

recollect but what was read out gave more particulars about the Bombay haunts and "PHIR AYEKA".

12D.20 Sanjevi had stated at the conference held at Home Minister's house that he had sent the full confessional statement made by Madanlal, the substance of which was that Apte and Godse must have gone back to their 2 or 3 haunts in Bombay.

12D.21 The witness then said that when the bomb was thrown at Birla House the District Magistrate should have taken more active interest in the matter and found out what was happening and it was not only the District Magistrate but everybody from Home Minister downwards should have taken more interest.

12D.21A He then stated that the Police had been depleted and there was no proper organisation and even magisterial organisation was defective so much so that the ordinary meetings which used to be held between the Home Secretary, the D.I.B., the Chief Commissioner, Deputy Commissioner and Senior Superintendent of Police of Delhi and one or two Magistrates where the matters connected with administration were discussed also could not be held regularly. It was really the breakdown and the weakness of the administration and want of proper cooperation between the Police and the Administration which led to this laxity on the part of individual officers and to the catastrophe.

12D.22 Asked as to what should have been done if information was given to Bombay Government as early as July 1947 that Mahatma Gandhi's life had been threatened, Mr. Bannerjee said that the Government should have ordered to keep those persons under surveillance and should have also informed the Delhi Police about the matter and proper and adequate measures should have been taken to stop any harm coming to Mahatma Gandhi.

12D.23 He also said that on Professor Jain's information, proper directions should have been given to the Secretary or the head of the Police and he should have been asked to submit his report within a short but specified time and the progress of the investigation should have been watched and more interest taken as to what the Police were doing. When asked if the Bombay Home Minister was right in giving instructions to Mr. Nagarvala, Mr. Bannerjee said that he did what he should have done, leaving the matter in the competent hands of an officer of the ability of Mr. Nagarvala in whom both M/s Kher and Morarji Desai had full confidence. Mr. Kher, when told at the meeting of the 31st that nothing was done by Bombay Police even when the officers of the Delhi Police were sent, was very sceptical and put a call through to Bombay but could not get Nagarvala. This is supported by the Diary of Miss Maniben Patel. A call was put through to Bombay but she could not say what happened.

12D.24 Mr. Bannerjee was asked as to why after the bomb explosion he himself did not think it necessary to ask the Police what they were doing, his reply was that the Ministry had just come into being and he must have prepared a note in regard to the matter but

he could not say exactly what he wrote as the record was not before him but it was correct that they relied upon the efficiency of the Police which proved a mistake.

12D.25 Mr. Mehra who used to see him never mentioned to him about the conspiracy. He again repeated that the Delhi Police should have called the Bombay Police to see that no suspicious persons from Maharashtra got anywhere near Mahatma Gandhi. He was then cross-examined by Mr. Vaidya and he stated that they did not know about the conspiracy, nor was it mentioned to them before the meeting of January 31; "it came to us like a bolt from the blue". He repeated that he came to know about the conspiracy for the first time on January 31, 1948. No statement of Madanlal went to Sardar Patel through him and if Mr. Shankar had stated before the Commission that any names had been mentioned, that might be correct. Loose practice had developed and everything did not go through the Secretary as the rules of the conventions required. The meeting, he reiterated, was held after the cremation when everybody was in a mournful mood.

12D.26 At the meeting Sanjevi was asked by the Sardar what had happened. He replied by making the allegation that the names had been sent to Bombay but nothing was done there and this he emphasised at that meeting. He was asked about the meeting of the 1st February and he said if it was an official meeting he must have been present. A high-powered body meeting on February 1 was formed to take decision as to what should be done for the future. He could not remember if Sanjevi's explanation was called. No copies of Police diaries were sent to the witness, nor could they have been sent to the Governor General, except through the Secretariat which was the normal practice. He said: "I feel it very difficult to be able to reconcile this statement of the Superintendent of Police, C.I.D. with the scene that I recall of the meeting of the 31st January, 1948, at which everybody was in extreme anguish and was surprised to hear that there was a conspiracy and the names of the conspirators were disclosed in the statement of Madan Lal." No complaint was made by Mr. Sanjevi or Mr. Mehra to witness about the conduct of the Bombay Police concerning the investigation.

12D.27 Cross-examined by Mr. Chawla, Mr. Bannerjee said that he took the bomb thrown as an abortive attempt to assassinate Mahatma Gandhi.

12D.28 Mr. Banerjee was recalled and was again examined by the Commission. He was asked what the responsibility of the Ministers was if they got the kind of information which Mr. Morarji Desai got. He replied that such information should ordinarily have been passed on to the Secretary asking him to take necessary precautions. Asked if there were any rules, he said there were Rules of Business of Government which contemplated that the Minister incharge should normally act through the Secretary but the Congress Party had taken office on September 2, 1946 and the prescribed procedure was not always seriously followed.

12F.9 After the bomb it was said that it was just a prank but the Mahatma said that he did not think so. A significant part of her statement was, "We could not find out if there was a plot. Nor did we have the time to look into it. The programme in Gandhiji's camp was such that everyone of us was busy practically every minute and had to do the task that had been allotted to us."

12F.10 She did not know if any precautions beyond the increase in plain clothes policemen and request of the police to search the people who came to the prayer meeting were taken.

12F.11 The arrangements made at Gandhi meetings were not like those now made for the Prime Minister. But Gandhiji believed in God and in His great mercy. She did not know that Madanlal had been arrested and had made a statement nor what he had stated.

12F.12 Mr. Pyarelal, witness No. 54 was the Secretary of the Mahatma. When the Mahatma learnt about the bomb he at once said that there was a conspiracy to murder him. Previous to that he thought that it was just military practice.

12F.13 They had not time to find out who the conspirators were. Circumstances were changing so fast that there was no time to keep pace with them. One had to perform one's duties which were assigned and every minute was taken up.

12F.14 He knew that Madanlal had been arrested and Gandhiji said that he (Madanlal) should not be harassed. The ashramites had a feeling that Mahatma Gandhi bore a charmed life, and God would protect him as long as he was wanted and if He did not want him to serve the Nation any longer He would call him back. He came to know about the persons behind the conspiracy after the case went into court. He himself was not consulted about the security measures.

12F.15 Mahatmaji was convinced that there was a conspiracy but he did not know its extent or its nature. The witness had never been able to reconcile himself to the failure of the Police to trace the people mentioned by Madanlal. Either it was inefficiency or there was lack of will. Threatening letters came to the Mahatma but they were not handed over to the Police.

Miss Manuben Gandhi, Witness 99

12F.16 Miss Manuben Gandhi, witness No. 99, stated that they had no knowledge of danger to the Mahatma's life till after the bomb was thrown and they drew that inference after that incident and when they mentioned to the Mahatma about the danger to his life he just laughed and said if the God wished him to live he will live.

12F.17 The members of the Mahatma's party did feel that there was danger for about two or three days after the bomb incident but after that everybody thought it was all right. Mahatma did not agree to special protection and he only allowed guard to be put there to satisfy the Sardar. He believed in protection of God. She also said that Mahatmaji's reaction to search of visitors was that he would have rather died than allowed it.

12F.18 This evidence does not show that the inmates of the Birla House and those who were round about the Mahatma were quite alive to the danger to his life so much so that one of them even did not know whether Madanlal had been arrested or not, or whether it was one man who was arrested or more than one man, and they never found out if he had made any statement or what statement he had made. As far as they are concerned, they took no precautions of any kind to protect the Mahatma.

12F.19 The fatalist view is that it is difficult to protect if God does not will it but that is no reason why no proper precautions should have been taken by the Mahatma's followers. Mr. Brij Krishan Chandiwala has stated that they used to form a ring round him when he went to the prayer ground, and that there used to be persons who used to keep a watch in front of the row of persons through which he passed. He has also stated that on the fatal day he was late and was walking fast and they did not think it necessary to have people in front or at the back. Why that was so is not clear or even discernible. The other inmates of the Birla House were sweetly oblivious to the danger to the life of the Mahatma. They had not time to think about anything else except the task that was allotted to them. That might be an esteemable way of working but it is no credit to them if they did not even move their little finger to do something for the protection of the Mahatma.

12F.20 Those who have experience of conducting Mahatma's meetings or meetings of other Congress leaders in days when there was no question of danger to their lives when people used to topple one over the other just to touch the Mahatma's feet, when women particularly used to think it an act of devotion and piety to do so, the precautionary measures for the protection of the Mahatma or those leaders not against danger of violence to their person but the danger of their being trampled upon by lakhs of people who came to their meetings was never lost sight of. Volunteers would flank on all sides of the Mahatma and all other leaders whenever they went to a public meeting and strong men amongst the volunteers used to be put round them to see that their passage was smooth. If that simple precaution had been taken it is impossible to imagine that anybody could have jumped in front of the Mahatma, almost prostrated and shot him dead.

12F.21 It is no justification to say that they had been told that the Police would look after the Mahatma. The statements which they themselves have made show that the Mahatma was averse to the Police protecting him. One witness has even said that the Police had to hide themselves behind bushes. If that was the attitude of mind of the Mahatma, how did these worthy followers of the Mahatma expect to protect him. Four or five people flanking the Mahatma on all sides might have been a sufficient protection at prayer meetings.

12F.22 Assuming though not deciding that the Police was negligent, extremely negligent, even inefficient, this simple precaution should in any case have been taken if for nothing else to prevent the people who were over-zealous and the over-affectionate and the over-curious people coming so near him as to stop the progress of

his march to the prayer meeting if not for anything more sinister. It is still more surprising that even the Congress volunteers were told that it was no longer necessary for them to look after the safety of the Mahatma which in the opinion of the Commission was a serious lapse on the part of those who were looking after the Mahatma and to his ordinary safety.

12F.23 It was also a mistake on the part of those who were managing his prayer meetings to allow people to stand on both sides of the passage along which the Mahatma had to pass to go to the prayer meeting. The proper thing to do would have been to station Congress volunteers on either side to prevent people coming too near him.

12F.24 Commission would like to emphasise that mere stationing of Congress volunteers without a melange of efficient plain-clothes policemen supported by spotters and watchers might not have been sufficient. But all the same a phalanx of Congress volunteers on either side of the passage would have been a protection though perhaps not as good as the ones suggested by Mr. G. K. Handoo and Mr. M. K. Sinha and Mr. B. B. S. Jetley more particularly Mr. Handoo.

12F.25 From amongst those who were in the party of Mahatma Gandhi or in his party four witnesses have been examined: Mr. Brij Krishan Chandiwalla who was witness No. 2, before Mr. Pathak and now witness No. 11; Dr. Sushila Nayar, witness No. 53; Mr. Pyarelal, her brother and the Mahatma's Secretary, witness No. 54; and Mahatma Gandhi's brother's grand daughter Miss Manuben Gandhi, witness No. 99.

Brij Krishan Chandiwalla, Witness 11

12F.26 Witness No. 11 Mr. Brij Krishan Chandiwalla before Mr. Pathak deposed to the disturbance in Delhi in September, 1947, Hindu-Muslim riots were going on in Delhi, as a result of which, many persons were killed and a curfew was imposed. This witness used to inform Gandhiji of the conditions in the city. Some people thought that Muslims would have been killed but for Gandhiji. The refugees from Pakistan were very angry with the Mahatma. They opposed him and used "hot words" when he went to Kingsway Camp. This opposition steadily grew and the letters received were full of abuses and threats and many refugees used to call him names to his face when they came to interview him. One evening there was a procession which converged on Birla House shouting slogans like "Khoon ka Badla Khoon se lenge". (We shall avenge bloodshed by bloodshed). They were opposed to the payment of 55 crores to Pakistan and accused Gandhiji of having forced the Government to pay. There was a large Police force at Birla House to check the procession and if Pandit Jawaharlal had not come Gandhiji would have been attacked. Thereafter Police force was posted at Birla House; thus showing that the stationing of the police was a consequence of this attack and not the information given by Mr. Morarji Desai to the Sardar.

12F.27 A very large number of people used to attend Gandhiji's prayer meetings and they were opposed to the recital of the *Quran* there but later on the opposition became feebler.

12F.28 The conditions in Delhi had become fairly peaceful on Gandhiji's arrival but the Maulanas who used to come and see him were not satisfied. Thereafter the Mahatma undertook a fast and then the people promised to abide by the conditions put forward by him for breaking the fast.

12F.29 The people had not shed communal hatred and that is why a hand-grenade burst with a big bang after the Mahatma finished his prayers on 20th January and he had a narrow escape. 2 or 3 persons were arrested and "we became more vigilant and took great care about Gandhiji". 3 or 4 days after a Police officer came and informed the witness that the bomb thrown was as a result of a conspiracy to murder Gandhiji, and that the names of 9 persons, who were involved in it, had come to their knowledge but he could not name the officer.

12F.30 The witness was under the impression that the Police would arrest those persons and there was no cause of fear. That very night the witness told Gandhiji about what the Policeman had said and Gandhiji was of the opinion that it was a conspiracy to kill him. The Police force at the Birla House was strengthened thereafter. After the murder of Mahatma Gandhi the witness came to know that Sardar Patel had asked for search of every person coming to the prayer meeting. The witness was under the impression that when the Police had come to know about the names of the people involved in the conspiracy they would be arrested and there was no longer any danger. "I could never imagine that the Police would be so careless even after knowing about the conspiracy and the conspirators that Gandhiji was to be murdered. I did not try to know about the arrangements made by the Police to arrest the conspirators because I know that Sardar Patel will not be slack about protection of Gandhiji. I cannot say that arrangements were made by Sardar Patel."

12F.31 Mr. Chandiwalla was recalled by this Commission on April 10, 1967. He stated that the incident of the procession was before the bomb was thrown and even by that time the conditions were not normal because of the reasons the witness had already given in his previous statement. They all knew that the Home Minister was very anxious about the safety of Gandhiji and they were certain that he and his Government would do everything to protect the Mahatma's life. They did not do anything because they knew that the Police was looking into the matter. When the Police told him about 9 persons who were involved in the throwing of the bomb and that they knew their names, the witness became quite satisfied and confident about the measures which Government would take and for that reason in the camp they did not "follow the action which the Government was taking".

12F.32 The Mahatma's faith in God was so strong that when the Mahatma went to the Frontier Province in 1938 an armed guard of *Khudai Khidmatgar* was put at Utmanzai but Gandhiji had the guards removed. In the opinion of the Commission this part of the statement must be based on dimming of memory, because the *Khudai*

Khidmatgar were unarmed and in the then Frontier Province they could not have been allowed to carry arms, unless the witness meant lathis which they might have been carrying, but the Commission cannot be sure.

12F.33 The witness added that the Congress volunteers at Birla House were not alerted because they all did not think that anything serious would happen. They were under the impression that after what had happened on the 20th nothing untoward would be allowed to happen.

12F.34 There used to be a cordon round Mahatma Gandhi when he walked from Birla House to the prayer meeting but on January 30, he was late and he walked very fast and it was not considered necessary to have people in front as well as at the back. Nobody could imagine that any one would suddenly jump up from the crowd and fire in such a short time. At the time of the firing the witness was in front and Gandhiji was following him. He was 5 or 6 paces in front and suddenly a man got up and fired at Gandhiji.

12F.35 The witness was not aware of the identity of the persons responsible for throwing the bomb and they were not suspecting persons from Poona, because he and those round about Mahatma Gandhi could never imagine that Poona people would commit such an outrage. The witness never found out who were at the back of Madanlal nor could he remember anybody else doing it. He could not remember if the newspapers gave the identity or the description of the persons who were responsible for the outrage.

12F.36 The witness did not know anything about Ketkar, Balukaka Kanitkar or Professor Jain or about any information given by them regarding Gandhiji's life being in danger. At no stage did they know that a conspiracy was being hatched in Poona, or in the province of Bombay to murder Mahatma Gandhi. When the witness talked to Mahatmaji about what the Police had told him the Mahatma said "Yes, there is a conspiracy. I believe so." But the witness never asked him how he knew.

12F.37 As large crowds came to the prayer meeting it was not possible for the Police standing outside Birla House to find out about Nathuram Godse. Besides, quite a number of people used to come in deputation to see Mahatmaji.

12F.38 The witness said that once a youngman came to him in an agitated mood and he said he wanted to see Mahatmaji and if he was not allowed to do so the witness would be sorry for it. He could not say who he was; it might be that the man wanted to tell Gandhiji that his life was in danger or he might have become a murderer himself. The witness reiterated that he could not imagine that the Police would become so careless as not to protect Gandhiji.

12F.39 The witness was cross-examined by Mr. Vaidya. When asked whether Delhi Police was inclined towards R.S.S., he said they might have been in favour of Hindus but not inclined towards R.S.S.

He could not say whether top Policemen used to visit the Police tent outside Birla House but they used to be present at the prayer meetings. The witness was not concerned with what the Police did excepting stopping people from coming in or searching them. There were Police in the compound of Birla House. But he was not aware about the plain-clothes Policemen armed with revolvers being present at the prayer meetings. Gandhiji refused to allow the people being searched.

12F.40 This witness's statement shows that—

(1) There was considerable communal tension in Delhi; people were opposed to giving of protection to Muslims or the giving of 55 crores to Pakistan.

(2) The people round about Mahatma Gandhi did not realise the danger to the life of the Mahatma and they had full confidence in the Police doing the right thing.

(3) There used to be a cordon round the Mahatma when he walked to the prayer meeting; but on the fateful day there was none because the Mahatma was late and they thought it was not necessary to have people in front and behind him.

12F.41 The statement of this witness does not show that the inmates of Gandhiji's camp realised the danger to Mahatma Gandhi's life. It also appears that they were not getting correct information which is shown by the witness saying that two or three persons were arrested on the 20th and that later on a policeman had told them that names of nine persons had been ascertained and they were being traced.

Dr. Sushila Nayar, Witness 53

12F.42 The next witness in this series is Dr. Sushila Nayar, witness No. 53. Being Mahatmaji's medical adviser, this witness was close to him and knew most of the things that were happening in the Mahatma's camp. She has deposed in regard to Panchgani incident saying that some people did come and create trouble at the prayer meeting but she could not say if Nathuram Godse was one of them. But they were the same group of Hindu Mahasabha workers who were subsequently responsible for his assassination. Those demonstrators waived black flags but she could not say what happened later.

12F.43 In 1946 when the talks were going on between Mr. Jinnah and the Mahatma, some young men of whom one was Nathuram Godse and another was Thatte, came to Sevagram and objected to Mahatma's talks with Mr. Jinnah. These people stopped Mahatma Gandhi when he was coming out of the enclosure but they were removed by the ashramites from his path. One of them—the witness could not say whether it was Godse or Thatte—had a long sharp knife in his pocket but nobody in the ashram could imagine that anybody would do harm to Mahatma Gandhi. The fatalistic attitude in the camp was that as long as God wanted the Mahatma to serve

the country, he will. But according to this witness, there was no deliberate lack of alertness or negligence on the part of the authorities.

12F.44 After the Partition, the Mahatma tried his level best for communal peace and protection of minorities wherever they were. He went to Noakhali then came to Bihar and then returned to Delhi. He blamed persons who were guilty of violence and advised the majority community to behave properly towards the minority which caused discontent amongst the refugees who used to shout slogans outside Birla House.

12F.45 In January 1948, the Mahatma went on fast because communal feelings had become too oppressive for him and he was anxious that minorities should be given proper protection saying that "evil was not weighed in golden scales". After four or five days of the fast, the Mahatma's health began to deteriorate. There was a change in the mentality of Hindus and Muslims of Delhi.

12F.46 Before the bomb incident, they never felt that Mahatma Gandhi's life was in danger although there were rumours that Mahatma Gandhi's life was in danger and plain-clothes policemen were stationed which the Mahatma did not like. After the 18th January when he gave up his fast, the Mahatma was too weak to attend the prayer meetings and he was carried in a chair. He addressed the meeting although his voice was very feeble.

12F.47 After the bomb was thrown, somebody said it was just a prank but the Mahatma said he did not think so. The police thereafter wanted to search everybody coming to the prayer meeting but the Mahatma objected. The prayer meetings became bigger and bigger and people were let in without interruption. She could not say anything about the talks between Mahatma Gandhi and the late Balasahib Kher on 28th January because then she was in Bahawalpur.

12F.48 There was a big difference of opinion between Gandhiji and the Sardar regarding the payment of 50 crores to Pakistan. The Sardar could not see Gandhiji at the time of the fast because he had to go out of Delhi on account of a previous engagement.

12F.49 Hindus were angry with Mahatma Gandhi for many reasons:

- (1) He did not allow retaliation against Muslims.
- (2) He did not allow the Muslims to be squeezed out of their houses.
- (3) He admonished the Hindus in India as he did the Muslims in Pakistan.
- (4) He insisted on payment of 50 crores.

12F.50 In cross-examination by Mr. Vaidya, the witness said that the Mahatma knew that the bomb was in furtherance of a conspiracy but did not know who the conspirators were. When she praised the

R.S.S. workers for the work they had done at the Wah Camp (this was near Rawalpindi), the Mahatma did not agree and said she did not know them. They were like "Black Shirts", Nazis or fascists.

12F.51 She added that they could not find out if there was a plot nor did they have time to look to those things because the programme in Gandhiji's camp was very tight. There was a *sardarji* who said "What difference does it make if an old man dies. Why make such a fuss." He was a Sikh constable. But this story she heard from some one.

12F.52 When the bomb incident took place, she was sitting next to Gandhiji. She was not examined by the Police. At first, Gandhiji thought that it was military practice but it was subsequently that they saw smoke and somebody said that a bomb had been thrown. She was not aware of any precautions taken beyond the increase in the number of policemen.

12F.53 On cross-examination by Mr. Chawla, the witness said that she did not know about the arrest of Madanlal nor about any statement made by him. She said she would not be surprised if allegations about some policemen being pro-R.S.S. were made.

12F.54 In those days, communal poison had gone very deep and nobody knew who was harbouring whom and what kind of a person he was. Security arrangements like the ones which are made for the Prime Minister were not made for Mahatma Gandhi and she added that people like Mahatma Gandhi believed in God and His mercy and did not think any further security was necessary.

Mr. Pyarelal, Witness 54

12F.55 Mr. Pyarelal who was Secretary of the Mahatma from 1920 right up to the time of his death, has written a book "Mahatma Gandhi—The Last Phase" in 2 volumes. The facts stated therein, he said, were correct and authentic according to his belief. The Mahatma was opposed to the Partition because he said "You shall have to divide my body before you divide India".

12F.56 Sardar Patel did say that Muslims could stay in India and they will get protection but they could not have divided loyalties. Mahatma Gandhi exhorted the Muslims to condemn the abduction of Hindu women and that those Hindu women should be restored and asked the Muslims to make a public statement that those women should be restored to their families but no organised Muslim society issued any such appeal as far as the witness could remember, but individuals might have done so. The Mahatma constantly said "Don't you see I am mounted on my funeral pyre" and that although nobody believed that independence could be won by non-violence, after the attainment of independence people were saying good-bye to non-violence. Mahatma Gandhi said he would not be surprised if in spite of all the homage paid to him by the leaders, they would say one day "we have had enough of this old man; why does not he leave us alone?" This was in connection with the general fall of standards

which had come in Congress ranks and growing corruption which Mahatma Gandhi found in Congressmen and their deviation from the path of non-violence. He undertook a fast to make India pay 55 crores and he also wanted an atmosphere of cordiality and peace between Hindus and Muslims.

12F.57 In September 1944, Godse and Thatte and some other persons came to Sevagram to prevent Mahatma Gandhi from going to Bombay to meet Mr. Jinnah. They were subsequently arrested by the Police and a knife was found on one of them. In his first volume, he had recorded the conversation between the persons arrested and the police and the persons arrested said that he would become martyr when he will assassinate Mahatma Gandhi. He went further and said that a jamadar would be quite enough and the jamadar referred to was Nathuram Godse.

12F.58 When the bomb was burst, Mahatma Gandhi did not realise that it was a bomb. He thought that it was a military practice and those in the camp also did not realise its significance. When Mahatma Gandhi learnt about the bomb, he at once realised that there was a conspiracy to murder him. After the bomb was thrown, no names were mentioned except that of Madanlal. When the witness was going about in the refugee camps, he heard a rumour that an attempt would be made on the life of the Congress leaders, including Mahatma Gandhi and Pandit Nehru. This he was told by Hans Raj Wireless. He informed the Deputy Commissioner, Mr. Randhawa, of this between the 13th and 18th January but he could not say if anything was done. The witness had this feeling that people opposed to the Mahatma might commit such an offence. He never told the Mahatma what he had learnt.

12F.59 In 1934 there was an attempt to murder Mahatma Gandhi by throwing a bomb when he visited Poona in connection with anti-untouchability campaign. By 1947, the anti-Gandhi people had invented a technique of making the pictures of Congress leaders as their shooting targets.

12F.60 The witness could not say what names were given to Balasahib Kher or were passed on to Sardar Patel. Sardar Patel came to Gandhiji and told him about the conspiracy and Sardar wanted stricter measures but Gandhiji would not agree.

12F.61 The witness never saw the statement of Madanlal. If it was in the newspapers, he had no recollection of it. Those who were around Mahatma Gandhi never believed that he would be murdered. But things were moving very fast and "we could not anticipate what was going to happen next".

12F.62 The witness had a feeling that the police were infiltrated by anti-Gandhi and pro-R.S.S. elements and there was nothing very surprising as a considerable number of Delhi Police officers were themselves the victims of Muslim highhandedness in West Punjab and the Frontier Province. The witness also repeated what the previous witness has said about a Sikh policeman shouting about the fuss being made over the death of an old man.

12F.63 The conditions then were so extraordinary that it would be difficult for anyone to say what steps should have been taken except that one should have expected greater efforts to arrest the conspirators and preventing them from achieving their end.

12F.64 The witness had no recollection of 'People's Age' saying in August 1947 that there was a conspiracy to kill Mahatma Gandhi and that the Deputy Commissioner and the Police were pro-R.S.S.

12F.65 The witness could not say anything about the interview between Mahatma Gandhi and Balasahib Kher as he himself was not present at the interview.

12F.66 Cross-examined by Mr. Vaidya, he said that he did not know Balukaka Kanitkar personally but he (Balukaka) used to write long letters to Mahatma Gandhi which the witness read out to the Mahatma.

12F.67 Sardar Patel had told witness that he went to Gandhiji and conveyed the information of a dangerous conspiracy against his life and that he (the Sardar) should be allowed to take security measures, e.g., search of persons going to the prayer meetings and stationing of armed guard at the prayer meeting.

12F.68 The witness said he did not think that Mahatma Gandhi had any conscious premonition of impending death.

12F.69 On further cross-examination the witness said that there was no time to find out about what the conspiracy was and who the conspirators were. They had to perform their duties assigned to them.

12F.70 The witness knew that Madanlal was arrested and Gandhiji said that he should not be harassed by the police. "Somehow or the other we had the feeling that Mahatma Gandhi had a charm and nothing would happen to him and he himself said that God will protect him as long as we he was wanted....."

12F.71 *The witness came to know about the conspirators after the case went into the court.* He knew nothing about what the police did. Gandhiji's attitude was not to interfere with the performance of their duties by the police but he did not want them to behave in a highhanded manner. (Italics by Commission).

12F.72 Cross-examined by Mr. Chawla, the witness said that the Mahatma was convinced that there was a conspiracy but of its extent he did not know.

12F.73 "I have never been able to reconcile myself to the failure of the police to trace the people who were mentioned in Madanlal's statement. Either it was sheer inefficiency or lack of will to do the right thing."

12F.74 Threatening letters did come to the Mahatma but they were not handed over to the police and sometimes they were not even mentioned.

Vishwanath Shah, Witness 3 (P)

12F.75 Another witness whose testimony may be discussed at this stage is witness No. 3, Vishwanath Shah, before Mr. Pathak. He said that after the 55 crores were given to Pakistan under the instructions of Gandhiji, there were processions and propaganda against the Mahatma in Delhi and the atmosphere was against the Mahatma of which the Government was aware.

12F.76 Thatte with others came to demonstrate against Mahatma Gandhi and the police knew about it. The demonstrators also threw stones but the Congress volunteers drove away the demonstrators. The Mahatma objected to this and asked "why had we badly treated them?" Thereafter the Mahatma left for Noakhali.

12F.77 After his return from Noakhali, Brij Krishanji had directed the volunteers to look after the protection of Gandhiji in Birla House and afterwards he said that the police would do it and the volunteers were no longer necessary. Some volunteers of the Seva Dal used to be present at the prayer meeting. A woman in Birla House told the witness that some persons used to roam about the Birla House whom she suspected. She was the wife of a driver. The witness told the police about this. The woman identified Madanlal Pahwa and said that he and his companions used to roam about Birla House.

12F.78 The witness was present when Gandhiji was shot and so were plainclothes policemen. The number of police personnel had been increased after the bomb was thrown.

Manuben Gandhi, Witness 99

12F.79 The fourth witness in this group is witness No. 99, Manuben Gandhi, who is the grand daughter of Mahatma's brother. She stated that since 1945 nobody felt nor was it ever mentioned that Mahatma's life was in danger nor did Mahatma feel any danger. In the month of January 1948 a number of refugees used to interview the Mahatma and complained to him that they had lost everything, and that they had been brutally treated by the Pakistanis. "What was there to do, they sought Mahatma's protection." Old women said to him that whatever had happened the responsibility was his because they knew nobody else excepting him, not even Nehru. But they always said this in a prayerful mood. Till the bomb was thrown nobody knew that there was danger to the Mahatma's life but from that incident they began to draw this inference. When they mentioned to the Mahatma about the danger to his life, he just laughed and he said "If God wishes that I should live I shall live and if He does not wish me to live then He would take me away". After the bomb was thrown Lady Mountbatten came to congratulate the Mahatma and the Ministers also kept coming and going. The Mahatma said to Lady Mountbatten, "On this occasion I have shown no bravery. If somebody fired at me point-blank and I faced his bullet with a smile, repeating the name of Rama in my heart, I should indeed be deserving of congratulations." The Mahatma was

being asked to permit special protection for him but he would have none of it.

12F.80 During his fast a number of people visited him including Maulana Hifzul Rehman. He was a frequent visitor and made Mahatma miserable by pouring in to his ears stories of miseries of Muslim population. The Mahatma said to him "You protect the Hindus and I shall protect the Muslims."

12F.81 The members of the Mahatma's party did feel danger for 2 or 3 days after the bomb was thrown; but after that everybody thought that it was alright.

12F.82 The most important part of this witness's statement is her deposition about the visit of Nathuram Godse on January 30, 1948. At about noon Nathuram Godse came to Birla House. Nobody stopped him coming because people used to come like that "and we did not think that it was anybody special who had come". There was nothing special about it because people used to come to see the places where the Mahatma lived, slept or had his meals. Nathuram also came there. He must have come by the back door; quite a number of people used to do so to have *darshan*, i.e., to pay homage, and nobody stopped them. The Mahatma at the time when Nathuram came was sleeping outside in the sun and if he wanted he could have shot him there. She was certain that it was Nathuram Godse who came because when he fired the fatal shots she was present and she recognised him to be the same person who had come on that day. Her feeling was that when he came at noon he was overawed by the very presence of the Mahatma.

12F.83 This fact of Nathuram Godse coming to Birla House on the 30th is not mentioned in her book, "Last Glimpse of Bapuji" Ex. 246. The events of the 30th January, 1948, are given in that book in Chapter 31 from page 300 to 315, but this important fact is not there. She was examined by the Police on January 30, after the murder but in that statement also this fact is not mentioned. This was an incident of such importance that one would have expected its mention at that stage. Her attention was drawn to that statement, Ex. 248. Her reply was that nobody asked her at that time and there was hardly any time to mention anything. But she has, in an article in "The Blitz", Ex. 245, which was its Republic Day number of 1969, stated this fact about Nathuram and before the Commission she stated on oath that what was contained therein was correct. She had also said in the article that she had related this matter to both Pandit Nehru and Sardar Patel, but on the 31st January. They are both dead and there is no means of checking this statement.

12F.84 When asked whether the Mahatma himself felt that his life was in danger, her reply was that she could not say anything; the Mahatma never said anything. He was a firm believer in God and never felt any danger. When asked whether Mahatma had any premonition of his death, her reply was that they never felt that he had any premonition but after his death they realised that he did have

some premonition, but he never said that he was going to be murdered.

12F.85 She was asked whether the Mahatma was miserable about what was happening around him, her answer was "Yes". When asked whether Mahatma was unhappy because of what was happening in the country or because of the consequences of the partition, her answer was "because of both; both these affected him." She was asked whether Mahatma was unhappy because the Government was misbehaving or the people were misbehaving or both were misbehaving; her answer again was: "because of both."

12F.86 Sardar Patel had asked permission to search the people who were coming to the prayer meeting but the Mahatma refused saying that it would mean that he had no faith in God.

12F.87 It appeared to the Mahatma that he was the only believer in non-violence. She then produced her book where events from December 1947 to the day of immersion of his ashes into the Triveni are given. This is Ex. 246.

12F.88 She was asked if Mahatma used to receive threatening letters in January, 1948, her reply was in the affirmative.

12F.89 She stated that she was surprised, rather annoyed to see the same man stopping the Mahatma because he had been there in the morning, but she did not think that there was any danger from the man because he had folded both his hands and she thought he was going to pay respects to the Mahatma. Nathuram Godse in his statement in court had stated he had his revolver in his folded hands. If that is so, it is surprising why nobody spotted it in the audience not even those leading the procession.

12F.90 She was asked what the Mahatma would have done if the people going to the prayer meetings were searched, her reply was that he would rather have died than allowed that kind of thing.

12F.91 Manuben is rather an important witness. She was closely related to the Mahatma and was closely associated with him. She was one of the two girls who used to conduct him to the prayer meetings and was in front of the Mahatma at the time of the murder. And when she makes a statement, no doubt after 21 years, that Nathuram Godse came to Birla House unchecked and was shown the places where Mahatma slept, worked and had his meals and actually saw him sleeping in the grounds, the Commission should be reluctant to disregard it. But at the same time, even her statement has to be carefully weighed in the scales. If there are any lacunae serious or otherwise which the Commission must take into account, then it should do so; and apply the principle of care and caution in the assessment of all evidence, particularly as that of this witness. There are in this case many lacunae:

(1) This statement was never made by this lady anywhere before although she could have done it at the earliest opportunity on the 30th January when she was examined by the police after the murder.

(2) She has said that she mentioned this fact to Pandit Nehru and Sardar Patel the next day, but neither of these facts are mentioned in her book published in 1962 but written before September 12, 1961.

(3) The fact that Nathuram Godse came to the Birla House on the 30th at noon time was so important that in the course of ordinary events it should have been mentioned in her book which was written at a time when she had more time to think and which, according to her, is based on her diary giving a record of the events as they happened.

(4) She has said in the preface "In this book I have mainly given a day-to-day account of Bapu's life up to the great event of his departure from this world". In the context it was and should have been treated as a great event.

(5) The statement of Nathuram in court shows how determined he was to put an end to the life of the Mahatma. And it is rather difficult to believe that with those feelings in his heart which are disclosed in his written statement in court, he should have let that opportunity go. He had no compunction at the evening prayer time; it is difficult to find any reason for his having it at noon. A determined assassin does not go for *darshans* of his victims even if they happen to be Gandhis. The Commission is not overlooking the fact that it had been decided as Godse's statement shows that he should surrender after shooting.

(6) This witness had all the earnestness, and moral faith and simplicity which characterised the Mahatma's camp but that is no safeguard against mistaken identities or *lapsus memoriae*.

12F.92 Judged in the light of probabilities and taking into consideration both the position of the witness, her background and training in Gandhian ways and keeping in view the proper approach to important facts deposed to by important witnesses such as this one is, the Commission feels it inexpedient to act on this piece of evidence, that a man who was bent upon murdering Mahatma Gandhi should have come to Birla House, should have had an opportunity of murdering him and also almost certain escaping, would not take that opportunity but would return to commit the murder in the midst of a large crowd where there was every possibility of his attempt failing and his plan going awry and little or no possibility of his escaping. In the circumstances, it would be proper not to take this piece of evidence into consideration for or against the matters in controversy and treat this episode as "unproven".

12F.93 If this piece of evidence is accepted, it would be a sad commentary on the security measures taken for the protection of Mahatma Gandhi particularly after the bomb incident. If anybody could walk in then the stationing of the police or deployment of plainclothes policemen or employing a platoon or even a company of the Army was meaningless and security arrangements illusory.

12F.94 It may also be mentioned that neither in his statement made to the Bombay Police which is detailed nor in his statement before the Court did Nathuram Godse mention anything about his visiting the Birla House on the 30th or going to the place where the Mahatma was sleeping.

12F.95 In his statement to the Bombay Police he has given an account of his movements which is detailed with no attempt at hiding anything *qua* himself. He says that they visited the prayer meeting on the evening of the 18th. On the evening of the 19th all of them, including Madanlal, went to Birla House where the prayer meeting was in progress. The Police statement contains the day-to-day account of what they were doing but there is nothing to show that Nathuram Godse was anywhere near Birla House on the morning of the fateful day. In his Police statement he said that on the morning of the 30th they went to Birla Mandir and from there they went to a jungle behind the Birla Mandir where shots were fired and it was decided that Nathuram Godse should do the shooting and then surrender to the Police; the hand-grenade etc. were not needed and therefore they were buried, after having been made harmless and out of gear.

12F.96 The evidence of these four important inmates of the Gandhi camp at Birla House show that—

(1) There was some kind of information of danger to Gandhiji's life although the evidence is not consistent on this point; but no particular precautions were taken beyond increasing the Delhi Police and policemen. The inmates had their set tasks and they had no time to do anything about the threatened danger—were probably as fatalistic as the Mahatma himself. Or as two of them, Mr. Brij Krishan Chandiwala and Miss Manuben have stated, they were sure the police would look after the safety.

(2) Sardar Patel did want to get the people coming to the prayer meeting searched but the Mahatma would not agree.

(3) The Mahatma came to realise that the Congress was paying lip sympathy to non-violence and he was considered as a burden.

(4) The Mahatma was distressed over the events which had overtaken the country, over the consequences of the partition and because of the conditions into which the body politic due to not subserving the high moral standard set by the Mahatma had fallen.

(5) Godse and Thatte had attacked Mahatma Gandhi in September 1944 also and that at Sevagram during the Gandhi-Jinnah *pourparlers*.

(6) A group of Maharashtrians had made a black flag demonstration at Panchgani.

(7) The Mahatma did realise that the bomb was a part of a conspiracy to kill him.

(8) There was a feeling of antagonism against the Mahatma and Pandit Nehru in the Refugee Camps also.

(9) The inmates knew nothing about Balukaka's warning.

(10) Mr. Pyarelal whose power of observation and exactness is shown by the clarity of the narrative in his book, felt that in the Delhi Police there was infiltration of anti-Gandhi feelings and of pro-R.S.S. elements.

(11) Balukaka though not known personally to Mr. Pyarelal carried on correspondence with the Mahatma.

(12) The inmates of Gandhiji's Camp were so engrossed in their respective chores allotted to them and the schedule was so "tight" that they had no time to think about impending danger and were wholly heedless towards any danger to the Mahatma's life.

(13) The way the procession to the prayer meeting was formed with people in front and at the back of the Mahatma with a little more vigilance on the part of the aides the approaching of Nathuram Godse so near as to shoot point blank would not have been possible.

G—Measures Taken To Protect Mahatma Gandhi

12G.1 This heading may be divided into two sub-heads: (i) before the bomb incident, and (ii) after the bomb incident. In this connection reference may be made to two notes submitted by Mr. D. W. Mehra, D.I.G., Delhi, on the subject of security measures taken. In point of time the first is Ex. 10 dated February 1, 1949, which is annexure VI to Mr. Sanjevi's note Ex. 7, and the second is Ex. 134 submitted to the Ministry of Home Affairs also by Mr. D. W. Mehra on February 7, 1948.

12G.2 Ex. 10 shows that after the arrival of Mahatma Gandhi in September 1947 a guard of one Head-Constable and four Foot Constables were posted at the Birla House. Their main duty was to see that mobs did not gather inside or in the vicinity of Birla House so as to become a source of annoyance to Gandhiji and also to deal with people who objected to the reciting of the Quran at Gandhiji's prayer meetings. Mr. Brij Krishan Chandiwala's evidence shows that whenever there was apprehension of a large crowd making a demonstration, a posse of police was sent to Birla House to control them. According to P.W. 116 Sub-Inspector Dasondha Singh of the Tughlaq Road Police Station, who was a witness at the trial, ordinarily there used to be one Head Constable and one Foot Constable in the prayer grounds. There were at the main gate of the Birla House one Head Constable and four Constables. They were to maintain law and order in the prayer grounds.

12G.3 After the bomb incident, the number of policemen was increased and a larger force was stationed at the Birla House. Ex. 10 also shows that after the bomb incident the number of policemen was immediately increased to one Assistant Sub-Inspector, two Head Constables and sixteen Foot Constables. In addition to this, there were plain-clothes policemen, one Sub-Inspector, four Head Constables and two Foot Constables who were all armed with revolvers. Three plain-clothes men were stationed on the path leading from Birla House to the place where prayer meetings were held, and

a small detachment of troops for moving patrol all round the compound was also stationed. The instructions to the police on duty were to watch people as they came in to the prayer meetings and to interrogate suspicious looking persons. The uniformed police and plain-clothes section were asked to patrol the grounds of the Birla House and its immediate vicinity so as to spot suspicious looking persons lurking about the place. The Superintendent of Police, New Delhi, Mr. Bhatia, immediately after the bomb outrage interviewed Mr. Brij Krishan Chandiwala, witness No. 11, who was one of the important members of the Mahatma's party at the Birla House and he told him that a more strict supervision over the visitors was required and suggested that the police on duty should search suspicious looking persons. To this suggestion he did not agree, saying that Bapu would not tolerate it, and this very reply was repeated to the D.I.G. on January 21 when he made a similar request to Mr. Chandiwala.

12G.4 It may be added that according to Mr. Morarji Desai and other witnesses Sardar Patel had also put forward this proposal of screening in September 1947 when the Mahatma returned from Calcutta but the reply was equally an emphatic 'No'. The D.I.G. also saw Gandhiji and suggested stricter screening of visitors but Gandhiji would have none of it, saying in his characteristic way that his life was in the hands of God and if he had to die nothing would save him and that as long as God wills that he should serve the people, he will; and when God wills otherwise He will take him away. A report of this was made to the Inspector General and it was decided that short of searching persons going to the prayer meetings, all possible steps should be taken by the police on duty to ensure Gandhiji's safety. The exact boundaries of this precaution were not delimited or delineated.

12G.5 In addition to this, the Superintendent of Police, New Delhi was to be present as far as possible at the prayer meetings. The D.I.G. himself also started attending the prayer meetings but he fell ill on the 24th; and on the fateful day the Superintendent of Police, New Delhi, could not be present as he had another important appointment in connection with the threatened strike of some workers of the Central P.W.D. It is difficult to imagine anything more important than the protection of the Mahatma's life, but evidently the Delhi Police thought differently. In the second document Ex. 134 the same arrangements made after the bomb incident as given in Ex. 10 have been set out. In addition, it was stated that a military patrol of two N.C.O.s and twelve men was deployed in order to stop unauthorised persons going in. In paragraph 5 of this document, Mr. Mehra has set out a short account of how the murder was committed. Ex. 134 was a note prepared for the purposes of a starred question in the Constituent Assembly by Mr. Damodar Swarup Seth, notice of which was given but was most probably withdrawn.

12G.6 There is also another note of Mr. Mehra which was sent to Mr. Bannurjee in the second half of March 1948. That is Ex. 44. In

this it was stated that the Sub-Inspector of C.I.D. was in the immediate vicinity of the place where Mahatmaji was shot and the plain-clothes men and some uniformed police were also among the crowd. A uniformed guard was present on the main gate and two constables at the back of the house where the bomb had exploded.

12G.7 Mr. Mehra was personally present with Gandhiji when the latter started his fast and Gandhiji talked to him about the steps to be taken to improve Hindu-Muslim relations. Because of the mental anxiety on account of Gandhiji's fast and four months of constant arduous labour Mr. Mehra fell ill with an attack of influenza on 16th January 1948 and was in bed for 4 days. In spite of that he went to Mahatmaji on 21st January and he resolved to attend all his prayer meetings which he did and also watched to find out if there were any suspicious looking persons. He continued to attend the prayer meetings but he again fell ill on the 24th and went to Birla House on the 30th when the great tragedy had taken place.

12G.8 It had also been decided that the Superintendent of Police A. N. Bhatia should personally attend Mahatma Gandhi's meetings and he continued to do so but on the fateful day he was also absent due to the threatened strike of the C.P.W.D.

12G.9 Mr. Mehra stated that it was impossible for anyone to have stopped the tragedy considering Mahatmaji's aversion to placing any restraint on people coming to his prayer meetings.

12G.10 The note ended with pointing out the difficulties which they were meeting in trying to protect the persons of the Prime Minister and the Deputy Prime Minister. He attached a copy of the letter which the Prime Minister had written to him objecting to the restrictions which have been placed on him. This shows that these leaders who had struggled against the British rule for so long were not prepared to believe that the very people whom they had served and led to victory and whose confidence and affection they had won, were going to injure them.

12G.11 Mr. Vishwanath Shah, witness No. 3 before Mr. Pathak, who was the head of the Congress volunteers at Bhangi Colony and at the Birla House said that before his departure to Noakhali Gandhiji used to stay in the Bhangi Colony where protection arrangements were made by 300 Congress volunteers. But after he returned from there, he stayed in Birla House. Mr. Brij Krishan Chandiwala had directed the volunteers to look after the safety of Gandhiji but afterwards he said that the protection would be in the hands of the police and the volunteers were no longer required. Still the Seva Dal used to be present at the time of the prayers. One of the women inmates of the Birla House, the wife of a driver, told him that some suspicious looking persons were roaming about the Birla House. This information was conveyed to the police and that woman identified Madanlal after the bomb explosion and said that he and his companions were the suspicious looking persons. That Godse, Apte and Karkare, etc. were reconnoitring the place was stated by them in their statements as accused before the Trial Court. Shah added

that plain clothes policemen used to be present at the prayer meetings and after the bomb explosion the number of policemen was increased.

12G.12 In answer to question No. 8, of interrogative questionnaire issued by the Commission, the Delhi Inspector General of Police has in his affidavit dated April 12, 1968 set out the steps that the police took to protect Mahatma Gandhi which were as follows:

"....According to letter No. 1547-C & T 27-29 dated 7th February, 1948 from the then D.I.G., Delhi to the Deputy Secretary to the Government of India, Ministry of Home Affairs, on the subject of draft reply to Starred Question No. 12, put up by Shri Damodar Swarup Seth, the police guard of 1 HC and 4 Constables already on duty in the Birla House was increased to 1 ASI, 2 HCs., and 16 Constables immediately following the bomb outrage on 20-1-1948. In addition, plain clothes staff of 1 S.I., 4 HCs and 2 Constables (all armed) was detailed for duty at the Birla House. The police on duty had full instructions to watch people as they went in and to interrogate suspicious persons. The uniformed and plain clothes sections were also directed to patrol the ground of Birla House and its immediate vicinity to ensure that no suspicious persons lurked about the place. The Superintendent of Police, New Delhi also met Shri B. K. Chandiwalwa, Secretary, and other members of "Mahatma Ji's entourage" and suggested that in view of the bomb episode a very strict supervision over visitors to the prayer meetings was necessary and that the police on duty should be permitted to search all suspicious persons. This was, however, not accepted. The D.I.G. Delhi also met Shri Chandiwalwa and Gandhi Ji himself and suggested stricter screening of visitors to the prayer meetings. Gandhi Ji, however, did not accept the suggestion and said that his life was in the hands of God and that if he had to die no precautions could save him. It was, thereafter, decided that short of searching all persons going to the prayer meetings, all possible steps should be taken by the police on duty to ensure Gandhi Ji's safety. Accordingly, instructions were also issued to the police officers on duty at the Birla House. In addition to the police arrangements, a military patrol of 2 N.C.O.s and 12 men were also on duty at Birla House to stop unauthorised ingress. A copy of this letter is enclosed as appendix 'A'.

"There is another letter No. 294-SP/S dated 29-5-48 from Shri Rikhi Kesh, the then S.P./CID on Special Duty at Red Fort, Delhi, according to which, after the bomb explosion, the guard of 1 H.C. and 4 constables was supplemented by 2 ASIs, 1 H.C. and 4 Constables from the local police and 2 H.Cs and 12 Constables from the Police Lines, out of which 1 A.S.I., 1 H.C. and 8 Constables were detailed in the prayer meeting. In addition 1 S.I., 4 H.Cs. and 2 armed constables were detailed in plain clothes. Out of the 8 uniformed constables, 4 were armed with lathis and 4 with rifles. The armed constables took their position at different corners along the

prayer platform. Plain clothes men were scattered at different places among the gathering while 1 S.I. and 1 H.C. always walked with Mahatma Ji from Birla House to the prayer platform and back. The two men always took their post as close to Mahatma Ji as possible. A copy of this letter is enclosed *vide* Appendix 'B'."

12G.13 In answer to question No. 18 which was in the following terms:

"It has also been stated that the co-conspirators of Madan Lal Pahwa flew from Bombay by air and were noticed and subsequently identified in Court by air staff. Was any special police stationed at airports in Bombay and in Delhi to arrest the persons who were co-conspirators of Madan Lal Pahwa and whose descriptions had been given in the confessional statement of Madan Lal?"

the Inspector General of Police, Delhi, has given the following answer:—

"The steps taken are detailed in the unsigned note of S.P./CID copy of which is appended 'E' which is part of file No. 2/Terr/146."

12G.14 This document is a copy of another copy which itself is undated and is unsigned. It purports to be a copy of an unsigned note of the Superintendent of Police, C.I.D., Delhi, and has been discussed in the Chapter dealing with Ex. 5-A. The Commission is unable to find much or any help from this document.

12G.15 Mr. M. M. L. Hooja, witness No. 59, stated that in December 1947 and January 1948 there was a shortage of police personnel because the Muslim officers and men had gone away to Pakistan and what remained was inadequate. The fact that Mahatma Gandhi did not allow search of persons going to his prayer meetings put limitations on the efficacy and efficiency of the precautionary measures taken by the police.

12G.16 He was asked what steps the Home Minister should have taken when he got information of a conspiracy like that of Mahatma Gandhi case, he replied that he could not answer that question. It would depend on the personality of the Home Minister.

12G.17 Mr. M. S. Randhawa, witness No. 18, has also stated that "On account of the departure of Muslim police to Pakistan in very large numbers, the police organisation in Delhi was seriously depleted and policemen had to be hastily recruited from the rural area to fill the gap. They were not trained properly".

12G.18 At pages 437 and 438 of book "Mahatma Gandhi—The Last Phase", Vol. II, Pyarelal has stated—

"The bulk of the police force of Delhi was Muslim. A number of them, with their uniforms and arms, had deserted. The loyalty of the rest was doubtful. Sardar Patel had to wire

12D.29 Sardar Patel, for instance, passed orders directly to Mr. Sanjevi without their going through the Secretary; then he informed the Secretary or the Secretary came to know later.

12D.30 Mr. Bannerjee was again recalled on April 26, 1968, and was examined regarding certain Home Ministry files and particularly that relating to the interview allowed in the case of Madanlal to Mr. Puran Chand Mehta, Advocate. This has been marked Ex. 140, and is dated 5th February, 1948. This was followed by another letter to the Chief Commissioner, Ex. 140(3) where the matter of interview of accused by counsel was again referred to and it was stated that it was one of the important duties and functions of the District Magistrate to keep himself informed of the progress of investigation into a case of this kind (i.e. a case connected with Mahatma Gandhi) and it was not quite clear why Randhawa had not asked the District Superintendent of Police to report to him. It was not just enough for Randhawa to say that had all the details been given to him he would have rejected the application for interview.

12D.31 Mr. Bannerjee again stated that the first time it was brought to the notice of the higher authorities that there was a conspiracy was at the meeting which was held after the cremation, and that the whole thing had been kept by the Police to themselves. Sanjevi had not informed witness although their relations were quite friendly. The Home Secretariat, he said, had not taken action because it had no information about the conspiracy and the information came to it like a bomb-shell. Ex. 140(5) dated February 27, 1948 shows that the witness was not being kept in touch with the investigation into the murder case and he asked Sanjevi to keep him in touch and do so at personal meetings "and I did write to him about it". He was asked why the Home Minister who was interested in the progress of the investigation of the murder case did not show any interest in the bomb case, his reply was: "My assessment of that is that they did not take the case so seriously then and they trusted the high police officials who were in-charge of the investigation and they were under the impression that such high police officials would do their duty."

12D.32 Regarding the R.S.S. the witness said that they were not responsible for the bomb throwing as such and in his opinion the conspirators were not acting as members of the R.S.S.; but some of the activities of that body were anti-social and objectionable and the Government felt guilty after the 30th January for not having taken precautionary measures against that association. He also complained that when decisions were taken in regard to the banning of R.S.S., the news leaked out and appeared in the Press the next morning and thus the tall-poppies of R.S.S. went underground in the early forenoon of the 1st February. To a question about the keeping in touch with investigation of offences, the witness said that ordinarily it could not be part of the functions of the Secretariat or the Minister to take an active part in Police Administration. In Mahatma Gandhi's case the Minister and the Secretariat started issuing directives to the Police and the Magistracy because it realised that the Police had not functioned properly. He said: "The long and short of it is that in

spite of the information that was received on the night of the 20th and 21st from Madanlal, nothing was done for three or four days and even after that nothing effective was done." In his opinion Ministry and the Secretariat should have functioned, i.e. started taking interest as soon as it came to know that there was default on the part of the Police.

12D.33 According to the witness, there were three acts of omission in the case: (1) the Bombay Police did not take any action for three or four days after they got the information; (2) the Delhi Police did not remind the Bombay Police or did not ask them what they were doing; (3) the Delhi Police did not requisition a few members of the Bombay Police to come and keep watch on Gandhiji's residence as was the well-recognised convention in dealing with inter-provincial crime in those days. Apte and Godse had some kind of a history and the Bombay Police should have known about it and had they been brought to Delhi they would have nabbed them or they would not have dared to come to Delhi.

12D.34 He was then cross-examined. In his cross-examination, the witness said that his own reaction was that the bomb thrown was the act of an individual fanatic but he could not recollect that it occurred to him that there were others associated with him but he never thought that there was a conspiracy of the kind which it turned out to be. He did think that the bomb case was a serious matter but he did not interfere because the matter was left in the hands of high police officials, the highest in the land; and he had a right to think that they would do their duty in a proper manner; and Mr. Sanjevi was considered a very clever Police Officer in his province. Mr. Sanjevi never told him anything and it was really the procedure which made it difficult to ask Sanjevi as to the progress of the investigation.

12D.35 As far as the witness could remember, at the meeting of 31st, two Bombay haunts of Godse and Apte were mentioned. In regard to his statement of sharing of blame between Police of Bombay and Delhi, he was again cross-examined by Mr. Kotwal and his reply was that Bombay were blameworthy because after having received the information about the two or three haunts of Godse and Apte they did nothing to nab them, and they did not get into contact with Delhi Police, did not tell them what they were doing, did not send Bombay Police to further interrogate Madanlal. When his attention was drawn to his previous statement he said that if he had known what was contained in the statement of Madanlal, he would have rung up the Chief Secretary of Bombay and would have asked what was happening and would not have allowed the matter to rest as it did.

12D.36 Mr. Bannerjee's evidence when summarised comes to this: (1) That as far as he was concerned he did not know that there was any conspiracy to murder Mahatma Gandhi, that for the first time they came to know about it on 31st January 1948 when a meeting was held at the house of the Home Minister after the cremation. (2) That there was a convention of Police of one Province being sent to another to help in investigation of offences committed

for reliable Gurkha police from West Bengal. A contingent of 250 constables with some sub-inspectors of police was sent by the Chief Minister of the Central Provinces in response to an urgent message from him. There were rumours of a *coup d'état* on the part of the Muslims to seize the administration. Searches of Muslim houses by the police had revealed dumps of bombs, arms and ammunition. Sten guns, Bren guns, mortars, and wireless transmitter sets were seized and secret miniature factories for the manufacture of the same, were uncovered. In explanation the Muslims alleged that arms were planted by their enemies in deserted Muslim houses. That was not unlikely in some cases. But in a number of places rifles, Sten guns and mortars were actually used by the Muslims in pitched fights."

12G.19 Dr. Sushila Nayar's statement Ex. 94 dated January 5, 1968 shows that on hearing of rumours of the possibility of an attempt on the life of Mahatma Gandhi the police posted plain clothes policemen but their desire to search the visitors was not agreed to by the Mahatma.

12G.20 She also mentioned that when Gandhi-Jinnah talks were going on, some angry youngmen came to Sevagram and objected to Mahatma having talks with Jinnah. They were removed from his pathway by the Ashramites. Later she learnt that one of them had a long knife on him and that Godse was one of those young men.

12G.21 The Ashramites had however come to believe that no harm could be done to the Mahatma by anyone. That was the evidence of Mr. Brij Krishan Chandiwalla also.

12G.22 Commission would like to observe that the police report of the incident does not support Godse's participation in that demonstration but it was staged by the determined anti-Gandhite the intrepid L. G. Thatte supported by some Bengali anti-Gandhites.

12G.23 Mr. M. K. Sinha when asked about the action which should have been taken after the statement of Madanlal said:

"I still think that if adequate and prompt action had been taken to locate the persons described in Madanlal's statement, then the assassination should have been prevented. I had heard rumours when I was here that whispers about the conspiracy were current in Bombay and were even known to officials."

12G.24 Mr. V. Shankar, witness No. 10, has stated that the Sardar asked Mr. Sanjevi to watch the persons mentioned by Madanlal. The *modus operandi* of the Sardar in regard to this conspiracy was stated by Mr. Shankar before Mr. Pathak thus:

As far as this particular conspiracy was concerned, the action "used to be taken by the Bombay Government either on their own initiative or on seeking instructions or on getting instructions from Sardar Patel." But there was a close contact between the Bombay

Premier and the Sardar and the liaison between the Central Intelligence and the Bombay Special Police was maintained by the Directorate of Intelligence Bureau.

"The general line, as far as I remember in this case was to investigate the truth or otherwise of any information that was coming to the notice either of the Government of India or of the Government of Bombay and to pursue or drop it as the case may be, on the completion of the investigation.....all sorts of rumours prevailing and naturally the police had to screen the information that came to their notice and took action when it was warranted."

12G.25 In his statement regarding police arrangements, Mr. V. Shankar reiterated what was stated by Sardar Patel in the Constituent Assembly in reply to Mr. Ananthasayanam Ayyangar's question on February 6, 1948. He also stated that when Mahatma Gandhi was requested to allow the search of visitors, he was adamant in his opposition to it, although he had no objection to the tightening of security measures in other respects. He could not say whether any persons were posted at strategic points of access to the prayer meeting to identify persons who could likely be Mahatma's assailants but the Sardar, he said, had told Mr. Sanjevi to keep persons mentioned by Madanlal under "surveillance".

12G.26 Mr. Shankar also stated that the police did not get any tangible evidence of any conspiracy till after the confessional statement of Madanlal and after that the Intelligence Bureau and the Bombay police were hot on the trail of the persons mentioned therein and a special watch was kept at possible points of entry into Delhi but the difficulty of detecting them at the railway stations was that the railway stations were overcrowded. So much so that one of the conspirators, Surya Dev, remained undetected for years after the murder.

12G.27 Mr. Banerjee's statement was that it was not for the Minister to supervise prosecutions personally but Sardar Patel, although he did not take much interest in the investigation after the Bomb Case, took a great deal of interest after the murder. Mr. Bannerjee also said that if the Inspector General of Police, who was the Director of Intelligence Bureau, was entrusted by Government with the investigation of a case, it would not be Government's function to scrutinise the investigation. Neither the Minister nor the Secretary need do anything further. But in this particular case, after the murder the Home Secretary i.e., himself took over the superintendence of the investigation i.e., choosing of the police to investigate was taken over by the "Home Secretariat" and that is what they should have done after the Bomb Case also. The records of the Home Office, he said, would show how meticulous was the control which the Home Secretary exercised over these matters.

12G.28 Miss Maniben Patel stated that the Sardar pleaded with Mahatma Gandhi against the payment of 55 crores and told him that the payment would not be appreciated by our own people and the money will be misused by Pakistan and he also pleaded with Mahatma Gandhi against his undertaking the fast but the Mahatma did

not agree. He also wanted the police to search the visitors to the prayer meetings but Mahatma did not agree. According to her, the Sardar took all the precautions that he possibly could take.

12B.29 According to Mr. R. N. Banerjee, what Sanjevi should have done was to get the Bombay Police over and the proper time to take precautions was after the bomb was thrown. Bombay Police should have been brought over to identify the persons from Maharashtra areas of Bombay. Even if the Mahatma was not agreeable, the check could have been more vigorous and the matter should have been proceeded with more vigorously and the police should have been alert after Mehta Puranchand's interview with Madanlal and the Police should have known that Madanlal had sympathisers outside and they were in Delhi also.

12G.30 As witness No. 17 before Mr. Pathak, Mr. Banerjee stated that the fault of the Delhi Police was that they did not remind the Bombay Police as to whatever information it had sent to them and the fault of Bombay Police was that they did not send any police to Delhi for the purpose of identification.

12G.31 Examined before this Commission, Mr. Bannerjee deposed to certain important matters which might be enumerated thus:

- (1) If any information was given by Professor Jain, then proper directions should have been given by the Bombay Government and conduited through the Secretary to the Head of the Police and he should have been asked to submit his report within a short but specific time and more interest should have been taken in what the police was doing.
- (2) It was not the duty of the Minister to be directing investigation or keeping a watch over how investigation was going on. If the Minister had full confidence in a high police official and directions were given to him that would be sufficient. "Leaving the matter into the hands of Mr. Nagarvala was sufficient if the Government had confidence in him." He added that in those days the Government relied on the efficiency of the police which in the case of Mahatma Gandhi may have proved to be a mistake.
- (3) If the Bombay Government had been informed as early as July 1947 that any person or set of persons had threatened the life of Mahatma Gandhi, then that Government should have ordered its police to keep those persons under watch. It should also have informed Delhi Police and adequate measures should have been taken to stop any harm coming to the Mahatma.
- (4) According to Mr. R. N. Bannerjee, the three acts of omission in this case were—
 - (a) The Bombay Police did not take action for three or four days after they got the information.
 - (b) The Delhi Police did not remind them or even enquire from them as to what they were doing.

(c) The Delhi Police did not requisition a few Bombay policemen to come and keep watch on Gandhiji's residence as was the well recognised convention in dealing with interprovincial crimes in those days. Such a convention was denied by Mr. Rajadhyaksha now I.G.P., Bombay. And Commission has been unable to find any corroborative proof from official records.

(5) The Bombay Police was to be blamed because after they had received information about two or three haunts of Godse and Apte, they did nothing to nab them. (Statement of Madanlal does not support the giving of these names or their haunts.) And further they never told the Central Government or the Delhi Police what they were doing nor did they send Bombay policemen to further interrogate Madanlal. Bombay police deny any responsibility for sending *suo motu* their police to interrogate Madanlal.

Had he himself known anything about it—according to his statement, he came to know about the conspiracy after Mahatma's cremation—he would have kept on asking the Chief Secretary of Bombay as to what the Bombay Police was doing.

- (6) It was on January 31, 1948, when an emergency meeting was held after Mahatma's funeral, that it came to be disclosed that there was a conspiracy to murder Mahatma Gandhi and that Madanlal had made a confessional statement disclosing who some of his co-conspirators were. At that meeting the Sardar asked Sanjevi as to what had happened and his reply was that names had been sent to Bombay Police but they did nothing. But added Mr. Banerjee that neither Sanjevi nor Mehra had ever complained to him regarding the inaction of the Bombay Police. It was at that meeting that Mr. Sanjevi had stated that he had sent to Bombay the confessional statement of Madanlal the substance of which was that Apte and Godse must have gone back to one or the other of their two or three haunts in Bombay.
- (7) The Director of Intelligence Bureau and Mr. D. W. Mehra, Dy. I.G.P., Delhi were quarrelling amongst each other and the District Magistrate failed in his duty. The police should have known that Madanlal had sympathisers outside after Mehta Puran Chand had interviewed Madanlal.
- (8) Mr. Bannerjee said that even under the prevailing practice, Mr. Sanjevi should have discussed with him the bomb case but unfortunately the first time a copy of the statement of Madanlal was placed before him was at the meeting after Mahatma's funeral. Mr. Bannerjee himself had no detailed information regarding the grave offence of Madanlal before the meeting and it was for that reason that the Home Secretariat remained inactive.

(9) When Mr. Bannerjee was recalled, he said that the offices of the Inspector General of Police and Director, Intelligence Bureau were held by selected members of the police force for which special qualifications were required and, therefore, it could not ordinarily be said to be a part of the functions of the Minister or the Secretary to take active part in police administration and it was for the police to make proper investigation and keep the Government informed of what it was doing.

12G.32 When recalled Mr. R. N. Bannerjee stated that the news of the bomb explosion reached him Delhi the same evening when the bomb exploded and it was in the newspapers the next morning. His own reaction was, that it was an act of an individual fanatic and it never occurred to him that there was anybody behind it, although he did see in the newspapers that Madanlal's companions had escaped. He never thought that there was a conspiracy of the kind it turned out to be. Although they thought that the bomb was serious matter, he did not interfere in the investigation, because it had been left in the hands of a very senior and high police officer who had come from Madras with high professional reputation.

12G.33 It appears that even after the murder Mr. Bannerjee had not kept himself in touch with the investigation of the case nor its progress. In his letter, Ex. 140(5), to the D.I.B. dated February 27, 1948 which was after 28 days of the murder, he said that he knew nothing about it as he had not kept in touch with the investigation. He had to write to the D.I.B. that the Ministry should be kept informed of the progress of the investigation and he wanted the progress to be discussed with him orally.

12G.34 Said Mr. Bannerjee: "The long and short of it is that in spite of the information that was received on the night between the 20th and 21st from Madanlal, nothing was done for three or four days and even after that nothing effective was done." Mr. Bannerjee added: "It may be said that it was really the procedure, the working of the Home Ministry which made it difficult for me to question Sanjevi in regard to the progress of the investigation". This passage from his evidence shows that there was something wrong in the working of the Home Ministry which had made the king-pin of the Ministry, that is, Home Secretary, rather ineffective. If the Home Secretary could not question Mr. Sanjevi in regard to the progress of the investigation, it is difficult to imagine anybody else doing so.

12G.35 It is unnecessary to add that Mr. Bannerjee has found fault both with the Bombay Police as well as Mr. Sanjevi for not making full use of the information which they had received from the statement of Madanlal.

12G.36 A photostat copy of page 3 of the *Hindustan Times* dated January 28, 1948 has been produced before the Commission Ex. 106-C. When read with the news contained on that page it shows that Gandhiji attended the Urs at the tomb of Khwaja Kutub-ud-din near Mehrauli on the 27th. There are two pictures, one showing Gandhiji addressing the gathering and the other Gandhiji and party

PARACHINAR TRAGEDY WAS RESULT OF PAKISTAN INACTIONS

The recent tragedy at Parachinar (in Kurram Agency) has a background which it is necessary that the public should know, says a Press note issued by the Ministry of Relief and Rehabilitation.

Evacuation of non-Muslims from Parachinar became an important issue at the end of October last when non-Muslims of that town were attacked by neighbouring tribes and about 40 to 50 shops were looted and some burnt. A representation was made to the provincial authorities stressing the need for immediate evacuation of non-Muslims from Parachinar and the surrounding areas and the local authorities agreed that they should be brought down to Kohat from where they would move down by train.

Until such time as the necessary arrangements for evacuation could be completed, it was decided that the non-Muslims should be collected in a camp of tents under proper guard. In this camp they were not given any free rations nor rations at controlled prices so that they had to buy their necessities at prohibitive prices. They were stripped of all arms and ammunition while their houses were broken into and looted.

Some time later, the local authorities agreed to move about 1,400 of the refugees to Arwahi Fort, 30 miles to the south, a warmer and safer place than Parachinar. Actually, however, this move was not effected on the ground that it involved an elaborate protection of routes.

The position continued unchanged till snow began to fall. The Government of India then took up the matter again with the Government of Pakistan. At this time the Governor of the N.W.F.P. visited Parachinar and ordered the breaking up of the camp. The inmates of the camp, however, refused to return to their homes which had been looted and where they had no safety whatsoever.

Government, thereupon, took up the matter once again with the Government of Pakistan and emphasized the urgency of the evacuation of non-Muslims from Parachinar. After a fortnight the Government of Pakistan replied that a large majority of non-Muslims in the Agency tract were anxious to stay in their homes and that there was no great danger. Furthermore, it was stated that there was adequate protection in Parachinar, while in rural areas non-Muslims were in a state of uneasiness.

This was in the first week of January. Government were unable to accept this view. The fact that these people had refused to return to their homes and continued to live in the inhospitable camp was a clear indica-

CLEAN-UP DRIVE IN DELHI STATION

REMOVAL OF REFUGEES FROM PLATFORMS

(By Our Staff Correspondent)

Delhi railway station looked clean and neat yesterday when the railway authorities succeeded in removing a large number of refugees who were living on the platforms during the last few weeks. In some, refugees seek shelter in the verandahs and waiting rooms and in the open space outside the railway platforms.

Dr. B. L. Chopra, Divisional Medical Officer of the E.P.Ry, said that sanitary conditions were bad at the station when it was full of refugees. More than two truckloads of refuse thrown by the refugees had been removed every month since September. About 100 sweepers have been engaged in this work. Bleaching powder was often used to dispel bad odour at the station. A first-aid post has been set up at the station where daily passengers are inoculated against small-pox.

Some time ago, small-pox broke out among the refugees living on the platform. Since then about 8,000 people have been inoculated against small-pox and cholera. Medical facilities have also been provided at Muradnagar railway colony.

Sanitary conditions at most stations on the E.P.Ry. between Delhi and Bhatinda and Ambala and Jullundur, have not been satisfactory, the platforms at these stations being occupied by refugees. Only the stations between Jagadhari and Shahdara are clean.

Maulana Azad's Appeal For Funds

"In order to carry out the decisions of the Lucknow Conference of Indian Muslims, and bring about a change in their outlook and the general atmosphere among them, it was resolved that a fund of Rs. 1,500,000 should be raised for the work of the committee formed for the purpose," says Maulana Abul Kalam Azad in a statement. "I feel that of this amount, the quota for the U.P. and Bombay

Gandhiji Attends Mehrauli 'Urs'

(By Our Staff Correspondent)

Mahatma Gandhi visited the tomb of Khwaja Kutub-ud-din at Mehrauli yesterday morning, where the Urs is being celebrated. Nearly 10,000 people, mostly Muslims, welcomed him.

Gandhiji was received by the Chief Commissioner of Delhi, Mr. Khurshid Ahmad Khan, Minister for Law and Congress and other members. Gandhiji was shown round the huge building where the tomb is located and was informed of the life story of the saint.

A representative of the All India Muslim League, Mr. Khurshid Ahmad Khan, said that Gandhiji's visit would be a great help to the Muslims who were living in the Dargah of Khwaja Kutub-ud-din. He said that Gandhiji's visit would be a great help to the Muslims who were living in the Dargah of Khwaja Kutub-ud-din.

Maulana Abul Kalam Azad said that Muslims were grateful to Gandhiji for creating an atmosphere in which they were able to celebrate the Urs.

Gandhiji said that both Muslims and Hindus must purify their hearts and in that lay their salvation. He was grieved that Hindus and Muslims were still quarrelling among themselves. He deplored the massacre of Hindus in a village near Parachinar in the N.W.F.P. by armed Pathans and said that incidents greatly harmed the cause of communal harmony.

Maulana Abul Kalam Azad, Secretary of the All India Muslim League, said that Gandhiji's visit was a great lesson from the spirit of communal goodwill shown by people of Delhi. They should also show the Government of India in working actively for communal harmony.

There was kirtan by the Sikhs inside the Dargah after Gandhiji left. The action was greatly appreciated by the Muslims.

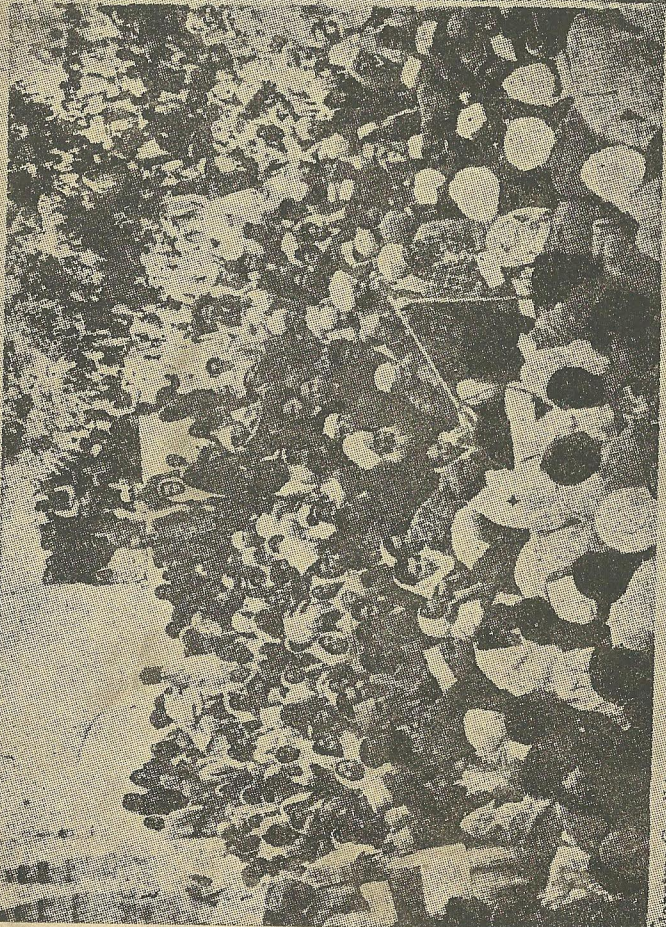
The function ended with a grand inter-communal party given by Lala Kishan Chand Gupta. People from all communities participated in the function. Speeches stressing the need of communal harmony were delivered by leaders of different communities.

GANDHIJI'S VISITORS

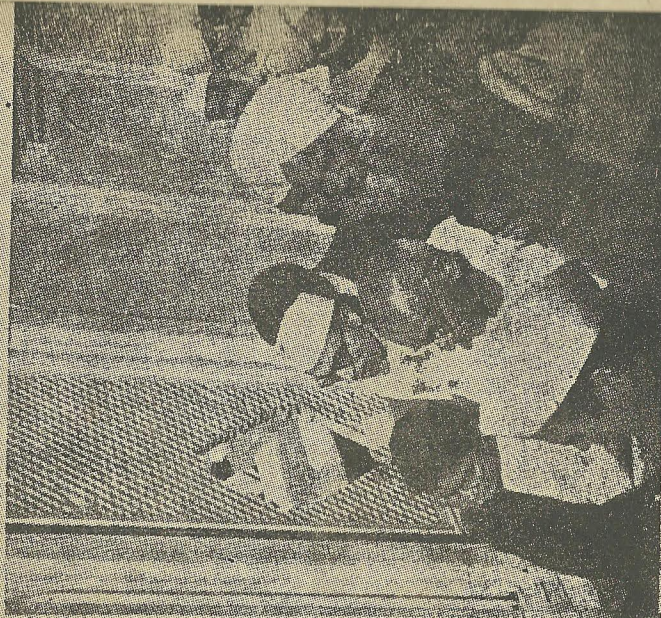
(By Our Staff Correspondent)

Sardar Vallabhbhai Patel, Deputy Prime Minister, Mr. Jaramdas Datta, Minister for Food, Maulana Abul Kalam Azad, Minister for Education, the Maharajahkumar of Vizianagaram and Sardar Pratap Singh, called on Mahatma Gandhi yesterday.

Photostat copy of the *Hindustan Times*, dated the 28th January, 1948 containing an account of the Mahatma's visit to the shrine of Khwaja Kutub-ud-din near Mehrauli. (Para. No. 12G.37)



Mahatma Gandhi attended the Urs at the tomb of Khwaja Kutubud din Bakhtiar near Mehrauli yesterday. Picture on left shows Gandhi addressing the gathering at the tomb. Right: Gandhi and party outside the inner entrance of the shrine.



Photostat copy (two pictures in one) of *Hindustan Times*, dated 28th January, 1948 showing Mahatma Gandhi, (a) addressing a meeting, and (b) with the party outside the inner entrance of the shrine of Khwaja Qutub-ud-din, Mehrauli. (Para. No. 12G-38)

outside the inner entrance of the shrine. This document is important as showing that in spite of the bomb explosion the Mahatma was going to public meetings and the photograph shows that he was in close proximity to the public which was hardly helpful in taking any protective measures.

12G.37 This is a puzzling piece of evidence. On the one hand evidence shows that protective measures, leaving out the question whether they were adequate or not, were being taken for the protection of Mahatma Gandhi at Birla House, some police had been stationed and plain-clothes policemen deployed; instructions had been given to keep a look out for suspicious-looking persons whatever that expression may imply. But this photograph and the account of it in the *Hindustan Times* of the 28th January shows that the Mahatma, unmindful of the threats, which had been received and of the dangers to which he was exposed was going about amongst the populace irrespective of who they were. This photograph shows the Mahatma at the Urs of a Mohammedan Saint. He is surrounded by a large crowd and is sitting amongst them and probably addressing them. This piece of evidence proves that the Mahatma was unmindful of his own safety and was prepared to go into any crowds where he thought he should go or was taken. At a previous page the mood of the Mohammedan residents of Delhi has been set out. The mood of the Hindu and Sikh refugees has also been given. The Mahatma seems to have cut across dangers from both and was prepared to brave them and even to expose himself to the hazards and the dangers which a visit to a place like the Tomb of Khwaja Kutub-ud-din Bukhtiyar at Mehrauli would have exposed him. Some time one wonders if any protective measure, which ingenuity would devise, could have been sufficient but it does show this that the Mahatma's faith in the Almighty was in super abundance.

12G.38 The photostat copy is attached hereto showing how unconcernedly the Mahatma was going about amongst the people and in how close proximity was he to them.

12G.39 Or does it show that the Mahatma was safer in the Shrine of a Saint even though he was a Mohammedan Saint than he was at his residence at Birla House under the protection of the Police whether in uniform or in plain clothes.

H—Adequacy of Measures

12H.1 It was submitted that in view of the evidence of intense feeling against Mahatma Gandhi and angry attitude and conduct of the refugees and there was a large number of them in Delhi and that the Hindu Mahasabha and the R.S.S. were using this intense feeling for their own purposes, the security arrangements as set out in these documents were wholly inadequate, more so because when on January 13, 1948 the Mahatma went on fast to force the payment of 55 crores of rupees to Pakistan, the feelings against him were further intensified as shown by the slogans which were shouted during the fast, "MARTA HAI TO MARNE DO" (IF HE WANTS

TO DIE, LET HIM DIE). In these circumstances it is rightly submitted that more attention should have been devoted to security and the crowds should have been kept at a little distance from the Mahatma.

12H.2 Mr. D. W. Mehra, witness No. 23, stated that if orders had been given to search suspicious looking persons it would have annoyed Gandhiji and he would have left Delhi. Gandhiji had said so. Mr. Mehra was asked what suspicious looking persons would be like. The reply was, "it would depend upon the person on duty to make up his mind" in this respect. He did not know if instructions had been given to the police to watch persons from Bombay-side coming to Gandhiji's prayer meeting or coming to Birla House. When asked if he had given any special order to any police officer for watching people from Bombay-side, his reply was that he did not do so because Mr. Sanjevi was incharge and it was Mr. Sanjevi who was looking into the entire matter. He himself did not make any suggestion to Mr. Sanjevi in this respect.

12H.3 He was asked whether the Poona Police, if called in, would have been able to spot or stop the persons who subsequently murdered Gandhiji, his reply was that he would not be able to answer the question. It was possible that they (Poona Police) might have or might not have been able to do so.

12H.4 Mr. G. K. Handoo, witness No. 48, stated that as the Hindu Mahasabha was influential all over the country and the Partition had produced communal feelings, he would, if he had been incharge of security, have got C.I.D. policemen from all the Provinces where Hindu Mahasabha was strong and he would have stationed them on a special look-out in the prayer meetings.

12H.5 Miss Maniben Patel, witness No. 79, said: "I know this that my father argued with Gandhiji, talked to him to have proper protection and allow him (Sardar Patel) to order the search of persons who came to his prayer meetings. The Police officers also talked to Gandhiji, but Gandhiji would not have any of it". He said he would stop his prayer meetings rather allow this kind of thing.

12H.6 Mr. Morarji Desai in his statement in the Bombay Legislative Assembly (in Ex. 232) said that the only way that Mahatmaji could be protected was by searching people; but to put it into operation the Mahatma had to be consulted, otherwise he would have left Delhi.

12H.7 Mr. Purushottam Trikamdas, witness No. 15, stated that Mahatmaji should not have been asked about the search, because it was the duty of Government and the Police to protect him. He blamed Government for having taken a lackadaisical attitude in the matter.

12H.8 Mr. J. P. Narayan agreed with Mr. Purushottam's views and was of the opinion that it was not necessary to ask Gandhiji. The failure of the Police to spot the conspirator would thereby have been rectified. Government should have taken the odium.

12H.9 In Pyarelal's book "Mahatma Gandhi—The Last Phase" Vol. II, it is said that Sardar Patel wanted Gandhiji to go away from Delhi and he was to leave Delhi in one or two days' time. This was in order to spare him from the complaints of the Muslims. At another place, he has said that Gandhiji was to leave for Wardha on February 2, 1948. This is supported by Mr. N. V. Gadgil's article, Ex. 103.

12H.10 Dr. M. S. Randhawa (witness No. 18) stated that if he had known about the conspiracy to murder Mahatmaji, he would have insisted on a meeting at a higher level to be called by Home Minister and that he would have stopped the prayer meeting whether Mahatmaji liked it or not, because his life was more important. Dr. Randhawa had said, "I personally had a great respect for him as a leader". He added that he would have controlled the people coming to the prayer meeting.

12H.11. On 30th January, 1948 Police Superintendent A. N. Bhatia was absent. Assistant Sub-Inspector Amar Nath came on duty at 4-30 p.m. The statement of Raghunath Naik P.W. 76 in Court, who was a gardener, shows that the assailant was caught hold of by him, by an army man and 2 police constables showing that the Police was present at that time.

12H.12 In the Constituent Assembly on February 6, 1948, Sardar Patel in reply to a question by Mr. Ananthasayanam Ayyangar gave details of the protective precautions taken at Birla House and the protection afforded for Mahatma Gandhi's safety. They were patterned on the lines indicated in Ex. 10. There Sardar Patel also said that he himself pleaded with Gandhiji for allowing the Police to do their duty in regard to protection, but he was unsuccessful. The police considered that in order to make the protection effective, they should search every visitor to the prayer meeting. Sardar Patel also asked Gandhiji about it but Gandhiji did not agree to it.

12H.13 When carefully analysed this evidence shows that the police considered the search of visitors to the prayer meetings the only method and means of protecting the Mahatma but to that the Mahatma whose faith in God was unbounded and unlimited was not agreeable. His presence at the Urs of a Mohammedan Saint Kutub-din Bakhtiyar at Mehrauli shows how unmindful he was of any warning about danger to his life or how he could be amongst crowds leaving his life and fate in the hands of their good sense and in Almighty's protecting hand. A clear picture of his visit is given in the photograph which has been attached. No other method was suggested by the police and because of the Mahatma's strong objection to the remedy it could not be adopted. Witnesses have stated that Mahatma's objection should have been disregarded but it appears that they have ignored, perhaps unconsciously, the strong personality that the Mahatma was and it is unimaginable that anything could be done without his knowing it and against his wishes and in this matter it would have been a challenge to his faith in the protective hand of God if the police had persisted in searching or screening.

12H.14 Commission does not agree that Mahatma's wishes or views as to prayer meeting being free to all could be ignored or treated unceremoniously. If he objected to the search, that was the end of that protective measure and other modes had to be suggested and devised by the Police.

12H.15 All the witnesses who have appeared before the Commission and the statements made by Sardar Patel in the Constituent Assembly and the evidence of Mr. Morarji Desai show that the only method of protection which was advised at the time was the search of visitors to the prayer meetings to which Mahatma had taken strong objection. But it appears that the police advisers did not suggest any other method of giving protection to the Mahatma.

12H.16 One method of protection has been suggested by Mr. Bannerjee, witness No. 19, and other witnesses from Bombay and Delhi that the Bombay police should have been called in so as to identify any Maharashtrian, who could have been a suspect, for being spotted out by watchers from that part of the country. Mr. Kamte, witness No. 4, had also suggested in his letter to Mr. Rana that Poona police should have at once been sent to Delhi to protect Mahatma Gandhi and that appears to be a very sound suggestion because the Commission finds that soon after the murder 4 police officers of various ranks were flown from Poona to Delhi for the protection of the Ministers. One fails to see why this protection was not sought at the earliest opportunity when according to the Delhi police Madanlal had disclosed that his companions were Maharashtrians and one of them was a Poona editor of an avowed and blatant anti-Congress and anti-Gandhi paper, the *Hindu Rashtra* and the defunct *Agrani*. Commission is assuming without deciding the claim of the Delhi police about the disclosure of the *Agrani* on the very first day by Madanlal.

12H.17 Mr. J. N. Sahni, witness No. 95, stated that after the murder of Mahatma Gandhi the Government of India became very alert; and for the protection of Ministers Mr. B. B. S. Jetley and Mr. G. K. Handoo were called in from U.P. to take charge of security of the Ministers. Mr. Jetley when recalled by the Commission said that he was not called in for the purpose to Delhi but Mr. G. K. Handoo was. Mr. Handoo, when recalled, admitted that he was brought to Delhi after the murder and posted as Deputy Director of Intelligence under the Ministry of Home Affairs from the first week of March, 1948. Mr. M. K. Sinha, Deputy Director, Intelligence Bureau, has stated that he was put in charge of the Security of the Prime Minister and Sardar Patel after the murder.

12H.18 Mr. B. B. S. Jetley was questioned by the Commission as to how the Viceroys used to be guarded when they went to a district or into a Police Range. He replied that the local police was not able to cope with the arrangements and plain-clothes and uniformed police had to be imported and deployed at all strategic points and the place where he was staying had to be heavily guarded. He also said that there were high senior police officers around the Viceroy when he walked. They used to guard the person of Viceroy even by inducting some policemen as his domestic servants at a

place where he would stay. He also said that he went to Mahatma Gandhi and showed him the weapons which he had seized from the R.S.S. and told the Home Minister that something serious might happen from the R.S.S. What he meant was not particularly something happening to Mahatma Gandhi but even to the Central Ministers like Mr. Jawaharlal Nehru and Sardar Patel.

Mr. G. K. Handoo

12H.19 Another witness who has given valuable evidence in regard to the security measures is Mr. G. K. Handoo who was in charge of security arrangements of the Prime Minister Mr. Jawaharlal Nehru soon after the murder of Mahatma Gandhi. He said that he was brought in after the murder expressly for the purpose of organising a security section in the Intelligence Bureau for both V.I.P.s as also for the border. He was put in charge of security of the Prime Minister. The V.I.P.s were categorised and as Prime Minister was the head of the Government, he (Handoo) was put in charge of his security and various other officers were put in charge of other Ministers. When asked what kind of security measures he took in such cases he said that was a very wide question and would require giving of information which was Top Secret but in camera he could produce a whole blueprint.

12H.20 The security arrangements, he said, are so arranged that the Prime Minister is never within 25 yards of the range of an assailant with a revolver or a pistol. There are two rings around the V.I.P., one the inner ring and the other outer ring, the former is within 2-3 yards from the V.I.P. and the latter about 25 yards away from the V.I.P. This is what usually happens. There is no physical search of persons coming to the V.I.P. unless one of the spotters is suspicious in which case a physical search is at once conducted. There were reports that other members of the Godse group were likely to attack the Prime Minister and also the Home Minister and the life of the other two ministers Maulana Azad and Mr. Rafi Ahmed Kidwai was also in danger.

12H.20A The statement of Mr. Handoo that Godse admitted to him that their next target would have been Prime Minister Nehru and the statement of Mr. J. N. Sahni that Nehru's life was also in danger find corroboration from an anonymous letter in Hindi to Godse while he was in police custody at Delhi. It bore the postmark of Bara Bazar, Calcutta, no doubt, of a date after the murder. Is in the Intelligence Bureau file Ex. 224A at pp. 77-78. It praises Godse for having murdered Mahatma Gandhi and it is strongly anti-Nehru who was therein dubbed as a "crusher of the Hindu community". It ended "May God, Jawaharlal Nehru finishes".

12H.20B All this shows that there was a school of thought which was prepared to go to the extent of indulging in political assassination to achieve their political and communal objectives. Fortunately after the murder high ranking police officers who knew something about security and were themselves active and alert were called in and the danger to the Cabinet Ministers was thus averted.

12H.21 When asked what precautions he would have taken to protect a likely victim if he had been told that the conspirators were

from Bombay, Mr. Handoo replied that he would at once get into touch with the C.I.D. authorities at Bombay and request them to send immediately a complete list of all such terrorists who could be associated with the commission of such a crime. He would also have asked them to send their very best spotters out of their C.I.D. staff who would easily be able to identify those terrorists whose list he would have got by that time. He added that the provincial C.I.D. must have a list of all such persons who are likely to commit offences of a violent nature.

12H.22 As far as Godse's group is concerned, there is no evidence before the Commission that the Poona or Bombay police knew them as potential murderers. Their activities are shown as Savarkarite and some were potentially dangerous. That could hardly be synonymous with political assassination of people like Mahatma Gandhi.

12H.23 He was asked what arrangements should have been made after the bomb was thrown at the Birla House, his reply was that protections of the nature given in the blueprint should have been given i.e. an inner ring and an outer ring should have been formed along with the spotters, searchers from Bombay Province for identifying any likely assailants. When asked what he would do in the case of Mahatma Gandhi who would have gone on fast, he said why should he (Mahatma) have known anything about it. The police would have come from Bombay. The inner and outer rings would have been dressed exactly like Congress volunteers who would be around Mahatma and spotters could have been dressed as Malis and other domestic servants and nobody would have known about it. He also said that he would have made arrangements for a watch to be kept at railway stations, the air terminals, terminal routes, dharamsalas and other places where people are likely to come and stay.

12H.24 He was asked to send a note on Security which he has been kind enough to send and which is marked Ex. 281. He has divided Security into two parts; Physical Security Measures and Internal Security Measures. The physical security measures suggested by him are no different from what was taken in the case of Mahatma Gandhi but the internal security measures, he said, must be unobtrusive and carefully planned the element of surprise always being introduced to avoid their getting known and thus becoming ineffective. He has also described in his note how rooms of the V.I.P. and the servants and stenographers and the mail received by V.I.P. are scrutinised. That might not have been possible in the case of the Mahatma. But what he has said about the spotters is important. He has described how spotters are employed and what they are supposed to do. But the important part which may apply to a person like Mahatma Gandhi is that three specially selected armed plain-clothes police officers should always "cover" the V.I.P. and to do this they have to merge into the background provided by the V.I.P. They should appear as personal staff and carefully behave as such, their integrity and loyalty should be above board.

12H.25 With regard to the Mahatma he said as follows:

"In the case of Mahatma Gandhi and his security—it appears that no well-defined or carefully planned security measures whether physical or internal had been made by the

Delhi Police or Intelligence Bureau. Admittedly the main responsibility for asking for detailed and careful security measures to be instituted was by the Congress party—but if they failed to judge the seriousness and danger of the situation—it was undoubtedly the business of the Delhi Police or the Intelligence Bureau to do so—particularly after the exploding of the gun-cotton slab by Madan Lal on 20th January 1948 at Gandhiji's prayer meeting. Further—in view of Madan Lal's statement made soon after the incident—it became imperative for the Delhi Police to immediately wireless Bombay and Poona (the I.G. Police Bombay and the D.I.G., C.I.D. Poona) to send over immediately a plain-clothes squad of intelligent and knowledgeable police officers who would help in identifying the Maharatta youths who had conspired to kill Gandhiji.

"What again is most unfortunate—is the fact that the Bombay Police in spite of the knowledge they had of the danger to Gandhiji's life and even after Madanlal's arrest—failed to offer sending their knowledgeable plain-clothes staff to help in identifying any of the Maharatta youth who had been described by Madanlal. If the Bombay or Poona Policemen had arrived—and if they had been utilised by the Delhi Police properly and carefully in batches at the Railway Stations, Hotels, Dharmshalas, and Political party Head Quarters as also at the entrances and exits of Birla House and the actual prayer meeting, it would possibly have made it much more difficult for the assassin to succeed and after all security is never fool-proof but is always an intelligence and strenuous attempt to make it more and more difficult for the assassin."

12H.26 The Commission is not oblivious of the fact that a strong-minded person like the Mahatma was not easily amenable to this kind of protection and any obtrusive interference with his way of life or with his entry into the prayer ground or exist therefrom would have been promptly resented by him. But as has been pointed out by Mr. Handoo, it should have been possible to do the whole thing in such an unobtrusive manner and use police watchers and spotters as domestic servants like Malis, etc., which would have been much greater protection than any other which short of a search could have provided.

12H.27 No one can be sure that even this precaution would have been sufficient to protect the Mahatma because it has been noticed in cases like murders of high dignitaries in other parts of the world that in spite of every precaution mishaps do happen. Besides the Commission is not sure of the Mahatma's reaction to the sudden appearance at Birla House of Marathi-speaking "Malis and domestics". Could the operation have remained unobtrusive from the Mahatma's observant eye? There can be no guarantee against mishaps and calculated crime but it is the duty of those looking after the security of a V.I.P. to minimise the chances of such mishaps. Whether in spite of this protection a determined man like Godse would have

succeeded or not is in the realm of conjectures and no one can answer that question. But it was worth trying to provide the kind of protection which Mr. Handoo and others have suggested and it should have been possible for high ranking policemen to have been brought into Birla House and such means of protection devised which would have minimised the risk without at the same time giving unnecessary offence of Mahatma's susceptibilities.

12H.28 In this connection the Commission must refer to the statement of Dr. Sushila Nayar, witness No. 53, who said that Mahatma Gandhi was not particularly fond of security and security police, who had even to hide themselves behind bushes when the Mahatma went to the prayer-meetings. There is, however, other evidence to show that short of searching the Mahatma was not averse to other security arrangements. This hiding of plain-clothes police behind the bushes which has been deposed to by Dr. Sushila Nayar is explainable by the desire of those plain-clothes policemen to be unobtrusive and not necessarily due to Mahatma's objections to their presence. If Mahatma Gandhi did not object to the D.I.G. Mehra's presence or to the presence of Supdt. Amar Nath Bhatia, it is doubtful that he would have objected to others but that is again conjectural.

12H.29 Mr. M. K. Sinha, witness No. 44, has also stated that he would have called over the Bombay police to act as watchers and suggested that they should have a ring round the Mahatma.

12H.30 Thus, these police witnesses, Mr. Jetley, Mr. Handoo and Mr. Sinha, particularly Mr. Handoo, have suggested that Mahatma Gandhi should have been flanked, rather surrounded by a ring of armed police officers disguised, as and dressed in uniform of Congress volunteers. The whole thing, according to them, would have been unobtrusive because the police officers would either, have been dressed as domestic servants or as Congress volunteers. All this is all right and would work in the case of a person who is prepared to be under such protection as indeed it has been seen in the case of the Prime Minister Nehru addressing public meetings in various State capitals or even in Delhi. But the difference in the case of Mahatma Gandhi was this: Mahatma Gandhi was not only a political leader, a great politician and an eminent and wise statesman but also a Saint. His detractors in England ironically called him a 'Naked Fakir', in the erstwhile Frontier Province the people called him 'Malang Baba', in the North and South Western districts of the Punjab he was called a 'Sain Baba' and in the Capital of the Punjab he was called "Langotiwala" to which was added "teri sada hi jai" (may you always have victory), showing that they considered him not merely a Congress leader but a 'Sain' or a Saint as well. People touched his feet for religious merit and as a religious duty. Whenever he went to Lahore or the erstwhile Frontier Province it used to be an almost impossible task to keep the multitudes away from him. On one occasion at the Lahore Railway Station it took the volunteers in charge of reception over an hour to take him out from his compartment to a waiting motor car which was standing in the porch of the railway station and the distance was not more than 25 yards and the train was consequently considerably delayed. And the volunteers were big sturdy

men. Wherever he went crowds wanted to have his "darshan and deedar" and to pay obeisance to him. Whether it was at Abbotabad in the heart of non-Pathan frontier district or it was in Peshwar the centre of the Pathans, or Lahore the centre of the Punjabis, the milling crowds wanted to come and touch his feet and howsoever much the Congress volunteers or the Red Shirt volunteers tried to protect him from these affectionate and respectful attentions of the crowds, they could not always succeed because people wanted to pay homage to him by touching his feet and thus to get religious merit and this was so in the case of men or women, Pathans or Pathanis, Hindus or Hindwanis (Hindu women) including Sikhs and Sikhnis.

12H.31 And the Mahatma was a firm believer in God unafraid of death because he firmly believed that "as long as God wills that he should serve the people, he will, and when God wills it otherwise, nothing will save him". In such circumstances it was not quite easy to have a ring of volunteers or officers around him because it was noticed many a time that ring of even strong, sturdy and hefty Pathans or tall stalwart Punjabis broke down when the milling crowds pushed forward to pay their homage to the unique leader that Mahatma Gandhi was, a combination of saintliness, of foresighted statesmanship and a very astute politician.

12H.32 It has been suggested that crowds should have been kept away from him and that they should not have been allowed to come anywhere within 20 yards of him. It was worthwhile trying but whether such a thing could have been possible or not it is not easy to say. The Mahatma was a powerful magnet for the crowds. The crowds did not only come to hear him but they also wanted to pay homage to him and, therefore, the solution suggested by these able police officers was easy to suggest but perhaps difficult to put into operation.

12H.33 Commission is fully alive to these difficulties because there is no Indian who has had anything to do with public life, and particularly with the Mahatma, who has not himself witnessed these scenes of great enthusiasm, of great respect and homage of the Mahatma and who has not himself been hustled by the crowds. At the same time one cannot lose sight of the danger which was portended by the blasting of the bomb and the information which had been received before the bomb and what was disclosed by Madanlal and Prof. Jain after the bomb. Even though the Mahatma was a man of very strong will and very strong minded and not easily amenable to the kind of protection suggested, yet in the opinion of the Commission and in spite of what has been written above and was common knowledge in regard to the Mahatma's way of life, this unobtrusive method of giving protection to the Mahatma was worth trying and should have been given a trial. It could have been equally efficacious as a search and perhaps less annoying and less obtrusive and less objectionable to the Mahatma.

12H.34 Plain-clothes policemen in disguise flanking the Mahatma and a ring of genuine Congress volunteers around him could have given him some protection and should have been tried. People like

Vishwanath Shah, witness No. 3, before Mr. Pathak, if asked to put their volunteers around Mahatma might have prevented sudden appearance of Godse in front of the Mahatma and would thus not have given him an opportunity to shoot point blank at him. There is a song "What will be will be". Perhaps it is true; but such pure fatalism cannot be allowed in the functioning of Governmental duties and whatever is feasible must be put into operation irrespective of its ultimate success or failure.

12H.35 No one can be sure that even if this precaution could have protected the Mahatma or would have been sufficient for the purpose because it has been noticed that in other countries in spite of the elaborate arrangements and precautions taken, mishaps have happened.

12H.36 Commission would also wish to emphasise that some element of opposition to Mahatma Gandhi had been created by his latest politics and manifestation of danger had come in the form of the bomb explosion. Therefore, in spite of what its result would have been, precautions as suggested by these knowledgeable officers were eminently called for.

12H.37 One more defect which the Commission has noticed is this: A Sub-Inspector was put in-charge of the plain-clothes policemen whereas in the case of V.I.Ps. officers of a much higher rank are employed. It is not merely the humbler rank which the Commission has taken into account, but also the fact that the Sub-Inspectors could not be so well trained in protective duties as were officers who were brought in later for protective duties of the Central Ministers, whose life, in the opinion of the Commission was, from the point of view of national security and country's stability of the greatest importance and they well deserved the strictest police vigilance and protection, in spite of their personal distaste of and horror against such protection.

I. Causes of Murder of Mahatma Gandhi

12I.1 The very reserval of the decision about payment of 55 crores to Pakistan has been stressed by witnesses to be a major reason of the murder of Mahatma Gandhi. On January 9, 1948, the Cabinet decided not to pay 55 crores to Pakistan Government. On January 13, Mahatma Gandhi went on fast. On January 14 there was a Cabinet meeting and the decision not to pay was reversed. Mahatma Gandhi characterised the decision of the Union Government as a unique action, and Pyarelal in his book "Mahatma Gandhi, The Last Phase" Vol. II at page 719 has said "What then was the motive behind the Union Government's decision? he (the Mahatma) asked. "It was my fast. It changed the whole outlook. Without the fast, they could not go beyond what the law permitted and required them to do.....There is a homely maxim of law which has been in practice for centuries in England that when common law seems to fail, equity comes to the rescue". At an earlier page it is stated that Gandhiji was asked whether his fast would not have the effect of

over-shadowing the Gujrat refugee train massacre and the Karachi riots. "Gandhiji answered that he had rehearsed to himself that possibility but he was not in the habit of allowing himself to be deflected from the pursuit of truth by such considerations."

12I.2 Mahatma Gandhi while breaking the fast said: "I embarked on the fast in the name of Truth whose familiar name is God..... With that same name on my lips I have broken the fast". (See Gandhiji's Delhi Diary pages 351-352).

12I.3 Soon after the money was paid to Pakistan, Mr. N. V. Gadgil went to Maharashtra on a tour. He observed that many people there did not like "Gandhiji's behaviour". When he came back, he met Gandhiji and repeated to him that he had told the people that they had purchased Gandhiji's life for 55 crores of rupees, a cheap bargain. In his article Ex. 103 at page 116 he adds: "Little did I then realise that this invaluable thing, (Gandhiji's life) was soon to leave us". According to him, it was this payment which resulted in the bomb outrage.

12I.4 Mr. Rajagopalachari in his book 'Gandhiji's Teachings and Philosophy' has mentioned that Sardar Vallabhai Patel casually remarked to him that the payment of 50 crores to Pakistan insisted upon by Gandhiji had resulted in his assassination. Sardar Vallabhbhai Patel felt that the conspiracy to kill Gandhiji was due to Hindu anger against him on account of his advice to pay a huge sum of 50 crores when Pakistan was organising and carrying out the wicked military campaign against India. This was considered to be inexcusable by a small militant anti-Gandhi Maharashtra group as a climax of Gandhiji's disservice to the nation and decided to put an end to his life and they thought that there was no other way out excepting his assassination.

12I.5 Mr. Rajagopalachari had added that whether the assassination was due to the payment of 50 crores or it may not be the result of a more ancient grudge but Gandhiji insisted that India should carry out its agreement and not start its career of independence by breaking promises. According to him, if 50 crores had not been paid, India would have lost moral power, Gandhiji would have died of a broken heart instead of by a Hindu's revolver, 50 crores given away saved India's moral status and added to it.

12I.6 But India was left with the ignominy of dimming the light which led her to freedom.

12I.7 According to Mr. Purushottam Trikamdas, witness No. 15, the causes of the murder of Mahatma Gandhi were his befriending the Muslims, his peace mission to Calcutta and then to Noakhali, his insistence on paying Rs. 55 crores to Pakistan (it was enforced through the fast), and the attitude of the Hindu Mahasabha towards Gandhiji.

12I.8 The Hindus and the Sikhs from the Punjab and N.W.F.P. when they came to Delhi or East Punjab or West U.P. considered

that they were coming to their homeland and they had a feeling that they were being treated as unwanted people because Mahatma Gandhi's feeling was that they should return to their homes, and more resentment was caused when lesser leaders started taking their cue from the Mahatma and echoed the idea in loudspeaker volume. All this made Mahatma Gandhi more unpopular.

12I.9 These were the feelings of the refugees but the Hindus in general and particularly the member of the Hindu Mahasabha had resented the policy of appeasement of Muslims of Mahatma Gandhi which in their opinion had resulted in partition and they were of the opinion that the architect of this was none other than Mahatma Gandhi. They strongly resented the payment of 55 crores for which the Mahatma went on fast and the other conditions which the Mahatma had imposed for breaking the fast so much so that the Hindu Mahasabha leader, Mr. Ashutosh Lahiri, repudiated the concurrence of the Hindus to the 7 Point Pledge which had been signed by the leaders of several communities including the Hindus.

12I.10 The refugees backed by the Hindu Mahasabha in Delhi were angry and vociferously showed their anger by processions and slogans but theirs was only a vocal protest. The Savarkarite Maharashtrians in Poona became more exasperated and more desperate and were less considerate. They had come to the conclusion, as Gopal Godse's statement has shown, that nothing less than removal of the Mahatma from the scene would save the Hindu and *Hindutva* and being followers of a different philosophy they decided to put that philosophy of political assassination into practice and they conspired to murder Mahatma Gandhi. In their second attempt they succeeded in achieving their objective, although their first attempt proved abortive. He has gone so far in his deposition that even the arrest of Nathuram Godse and Apte and their confederates would not have saved Gandhi's life showing the intensity of anti-Gandhi feelings in their group and the extent of the conspiracy.

12I.11 Mr. J. N. Sahni has stated that the Hindu and Sikh refugees from the Punjab had full faith in Mahatma Gandhi and almost worshipped him but this faith was eroded by certain happenings:

(i) The blatant wooing of the Muslims by the entire Government not to leave India and asking those who had left to return. Whether the policy was right or wrong, perhaps it was right, the refugees did not like it because they thought that, if the Mohammedans emigrated, they would be able to rehabilitate themselves in the houses and shops left by those emigrating Mohammedans.

(ii) The insistence of Mahatma Gandhi and his going on fast for the giving of 55 crores to Pakistan made them extremely angry because in their view this money was going to be used for killing the Indian soldiers who were defending Kashmir.

(iii) The attitude of the Muslims in India throughout had been one of support for Pakistan and as a matter of fact it was the vote of the Muslims in what became India which had brought about the creation of Pakistan and the feeling amongst Hindus and Sikhs was that they must join together to protect their rights and this movement had almost become an all-India movement.

12I.12 Besides, there were the post-prayer speeches of Mahatma Gandhi which were not to the liking of the Hindus. The Mahatma was insisting on the protection of Muslims and their rights but there was no sympathy shown towards the Hindus and the Sikhs, who were made to sacrifice all they had for the sake of Indian Independence. They had been thrown out of their homes and had after suffering unmentionable brutalities of rape, abduction, murder, loot and arson, reached Delhi which they thought was their home land and where they were expecting that they would be given protection as well as be rehabilitated but their expectations were belied. They were not prepared to hear sermons that they and their families should starve and freeze outside in the cold without any protection against the inclemency of weather and those who were responsible for their misery and who had brought Pakistan into existence should enjoy the protection of the Government of India. This feeling was taken full advantage of by the Hindu Mahasabha particularly by the extremists of the South, Maharashtra to be exact.

12I.13 The feeling amongst the Hindus and the Sikhs who had come from West Pakistan and feeling amongst Hindus generally throughout India particularly amongst the Hindu Mahasabha circles was that it was the appeasement policy of the Congress which had led to miseries of the Hindus in Pakistan; and which had first led to the creation of Pakistan and then to their being made homeless, and that appeasement policy to them appeared to be continuing in the speeches which were being made not only by Mahatma Gandhi but also by lesser Congress leaders who tried to outdo Mahatma Gandhi. (See J. N. Sahni Wit. 95).

12I.14 Mahatma Gandhi was misled by his followers who were trying to build a persecution complex on behalf of Muslims and were giving false ideas about the affluence of the refugees and their misbehaviour and their living in an extravagant manner. This made the refugees desperate and they had an absolute disgust which increased because some Congress leaders were working hard to appease the Muslims, absolutely ignoring the essential needs of the vast population of the Displaced Hindus.

12I.15 All this might lead to the conclusion that the refugees were thirsting for the blood of the Mahatma. But that was not so. The good that the Mahatma had done and the services that he had rendered in the hour of need to the Punjabis, Hindus, Sikhs and others alike and the reverence in which he was held by them for out-weighed what the refugees were feeling after the partition. As Mr. Sahni has put it they were not likely to harm the Mahatma

by persons from another Province; that the Delhi Police in this case should have called in the Bombay Police, and as he put it, there were three acts of omission in the case (i) Bombay Police did not take action after getting information from Delhi, (ii) Delhi Police did not remind the Bombay Police, and (iii) Delhi Police did not requisition any member of the Bombay Police to help them in the investigation. (3) His statement also shows that the Secretariat was not kept in touch with the investigation and that the D.I.B. informed the Minister directly, that was not in accordance with the Rules. (4) There was no cooperation between the Secretariat and the Minister and the D.I.B. was communicating information directly to the Minister.

Miss Maniben Patel, Wit. 79

12D.37 The next witness whose testimony is relevant in regard to the Government of India is Miss Maniben Patel, witness No. 79. Her statement is this.

12D.38 She did not know whether any intimation was given to her father regarding G. V. Ketkar's information to the Government of Bombay that Mahatma's life was in danger. She remembered that her father argued with Mahatma Gandhi that the giving of Rs. 55 crores would not be appreciated by the people and even the understanding with Pakistan was that the money had to be paid after the overall settlement of all the problems. The Sardar emphasised that the giving of that money will be misinterpreted by the people and Pakistan would use it against India and it would certainly hurt the susceptibilities of the people in India.

12D.39 She did not know whether her father knew that there was a conspiracy to murder Mahatma Gandhi, or that the payment of Rs. 55 crores would infuriate some young men to commit violence against Gandhiji. Sardar also told the Mahatma that his fast would not be appreciated and that they would treat it as a weapon to force Government to pay 55 crores.

12D.40. Birla House was guarded by the police before the bomb was thrown and it was more strongly guarded thereafter.

12D.41. She remembered that Mr. Morarji Desai came to Ahmedabad when the Sardar was there on 22nd January, 1948, and he was with her father for a long time but she could not remember anything about the talk between her father and Mr. Desai in regard to Prof. Jain. But she said that Mr. Desai must have talked to her father about this matter but she did not know what he exactly told her father. She did not remember if Madanlal had made any statement and what it was. All this information about who threw the bomb and why must have been found out by Mr. Shankar and he must have conveyed it to her father. She could not remember if the Sardar gave any orders in regard to that matter.

12D.42. She remembered that Mr. Sanjevi used to come and see her father whenever he wanted to. Sanjevi must have talked to her father about throwing of the bomb case and the matters connected therewith and the precautions taken but she could not remember. She herself never asked anything. She used just to sit

and listen if she was present at an interview of anyone with her father. She remembered that her father argued with Gandhiji and begged of him to have proper police protection. Police officers also talked to Gandhiji but Gandhiji would have none of it. Gandhiji said that he would rather stop prayer meetings than allow that kind of thing.

12D.43 She could not remember if she came to know anything used to be sent to her father wherever he was. They were flown if they were of sufficient importance. She said: "I think that my father was being informed of the day to day investigation into the bomb case. I do not remember if my father gave any directions in regard to anything to be done or not to be done in connection with the case. My father would not order the arrest of anybody unless he had positive proof that the arrest was for the protection of the country".

12D.44 She was not present at the high power meeting of top leaders after the funeral. Therefore, she could not say anything about it. She could not say whether it was there for the first time that Madanlal's statement and its contents were brought to light. "We did know that Mahatma's life was in danger and whatever precautions could humanly be taken were taken. But this much I can say that I had no idea that there was a conspiracy to murder Mahatma Gandhi. It is very difficult to say anything about imminent danger to Mahatma Gandhi's life. That his life was in danger, we knew, and from the fact that there were infuriated people in the country..... At that time at least I thought that the danger to Mahatma Gandhi's life was more likely to come from Muslims"

12D.45 She was put a specific question about Balukaka Kanitkar having conveyed the information about danger to Mahatma Gandhi's life to Mr. Kher who had apprised the Sardar of this fact. She did not know anything about it because Mr. Kher must have talked to her father on the secret phone or he must have told him about this in the office where she was not present. She did not know anything about things happening and speeches being made in Poona or Ahmednagar indicative of violence against Mahatma Gandhi. She did remember that a fortnight before the murder a newspaper editor from Poona, from whose paper security had been demanded, came to see her father at 5.00 A.M. but she would not be able to recognise him because it used to be dark at that time. But she could remember that he talked about the payment of security from his paper. He complained that Mr. Morarji Desai had been unfair to him.

12D.46 Before Mahatma Gandhi was assassinated her father went to see him. She accompanied him. They talked on various matters but he did not broach the subject of search of persons coming to his prayer meetings. The news of the murder was conveyed to them by Brij Kishan Chandiwalla soon after they returned home.

physically. But it was the militant group of Maharashtra Savarkarites which got exasperated, excited to white heat so high in intensity that it was their pistol which put an end to the life of Gandhi the Mahatma, the Saint, philosopher, statesman, and a practical believer in the "Left Check".

12I.16 The causes of his assassination were the appeasement of Moslems, the partition, the sufferings of the Hindu minorities of Pakistan who had to leave their homes and become refugees, the post-prayer speeches echoed by lesser Congress leaders which compositely led the militant Maharashtra group of Savarkarites to still that voice which may be called voice of reason and truth by some and voice of further appeasement by Gandhi's detractors and opponents. To that may be added Mr. Rajagopalachari's ancient grudge theory.

Adequacy of the arrangements

12I.17 After the bomb outrage, the previous number of policemen, i.e. 1 Head Constable and 4 Foot-Constables was increased to 1 Assistant Sub-Inspector, 2 Head-Constables and 16 Foot-Constables. In addition to this, there were plain clothes policemen of 1 Sub-Inspector, 4 Head Constables and 2 Foot-Constables who were all armed with revolvers with directions to keep a watch on all suspicious looking persons and the plain-clothes policemen had instructions to watch people as they came to the prayer meeting and to interrogate suspicious looking persons. These in the opinion of the Commission, were inadequate in face of the warning given by the bomb explosion and if the story of the Delhi Police that the editor of the *Argani* or the *Hindu Rashtriya* was disclosed on January 20, 1948, is correct, then it was still more insufficient and the bringing in of Bombay Maharashtra Police sufficient in strength was necessary.

12I.18 For a person of the position of Mahatma Gandhi the security arrangements actually made appear to the Commission to have been inadequate protection with no senior police officer to be in-charge.

12I.19 The evidence of Mr. G. K. Handoo and Mr. B. B. S. Jetley, both U.P. I.P. officers of experience shows that the former was called in for the protection of the Central Ministers after the murder of Mahatma Gandhi. There is no charm in a mere name or rank of a police security guard. The charm lies in the experience of the guard and his knowledge of technique of security which according to Mr. Handoo is given in the secret instructions laid down for security. A high ranking officer of that position and with that experience should have been called in to give protection to Mahatma Gandhi. As to whether he would have had an outer ring or an inner ring which Mr. Handoo has spoken of or whether they would have deployed their plain-clothes police officers as domestics or as grass cutters or malis would have been his look-out. From what the Commission has been able to see, no serious attempt seems to have been made to prevent the coming in of persons like Nathuram Godse, etc.

to the prayer meeting if not to the house itself. It was the duty of the high ranking police officers at Delhi to have devised a proper method of protection if an indiscriminate search was not possible or not permitted. Surely the experience of other officers who knew about security could have been availed of.

12I.20 Firstly, police from Bombay Province who would be knowing the persons whose identity was disclosed by Madanlal whether in his first statement or in his second statement should have been immediately called in. The Commission is not oblivious of the fact that Mr. D. W. Mehra, D.I.G., Delhi Police, did not think it much of a protection nor did Mr. U. H. Rana, D.I.G., C.I.D., Poona think so without screening of visitors. Whether it would have been much of a protection or would have proved sterile it was an effort worth making. Secondly, Mahatma Gandhi when he was going into the prayer ground should have been flanked by policemen in plain clothes, if necessary dressed like volunteers. Even in pre-partition days in spite of their violent objections and protests, both Mahatma Gandhi and Pt. Nehru, the former an object of worship and the latter a darling of the people had this protection from sturdy Congress volunteers at least in Northern India and then there was no danger of assault. There should have been not merely Constables but some officers on duty to cover him on all sides when he was going into the prayer meetings, and these persons could have been dressed in such a manner that they would have been indistinguishable from other Congress volunteers whose head was Mr. Vishwanath Shah who appeared as a witness before Mr. Pathak. Even a group of Congress volunteers might have been a protection at least from so sudden an attack as Nathuram Godse's.

12I.21 A reference to Ex. 281, a note given by Mr. G. K. Handoo, shows what sort of security arrangements would have been necessary in the present case. Whether arrangements should have been exactly on the lines suggested by Mr. Handoo is not for the Commission to decide, but there is no doubt that the type and rank of policemen who were stationed at Birla House for the protection of Mahatma Gandhi, were not the type which could be effective in any emergency as indeed they were not when the emergency did arise.

12I.22 Mr. Mehra has stated that the Police Superintendent of New Delhi had been directed to attend the meetings as far as possible. That was a most vague kind of direction which failed to be effectuated on the 30th when his presence might have been of some use. Evidently, he thought that it was more important to settle a trade dispute than to look after the safety of Mahatma Gandhi. And Mr. Mehra himself dropped out due to illness.

12I.23 Knowing the conditions in Delhi and knowing the intensity of feelings against Gandhiji's post prayer speeches and with the warning of the bomb outrage the Police at Delhi should have been more alert. It is unfortunate that those in charge of security forgot about the existence of the blue-print referred to by Mr. G. K. Handoo.

CHAPTER XIII

ALWAR

Index of Paragraphs

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|-------|--|
| 13.2 | Mr. U. C. Malhotra's Diary and other police diaries. |
| 13.7 | Dr. N. B. Khare's statement. |
| 13.24 | Panna Lal Chaube's evidence. |
| 13.44 | Girdhar Sharma Siddh. |
| 13.49 | Mr. M. M. L. Hooja. |
| 13.66 | Conclusion. |

CHAPTER XIII

Alwar Affairs

13.1 After the murder of the Mahatma the Intelligence Bureau and the Delhi Police became very active and started inquiries as to the happenings in the neighbouring Indian States; one such State was Alwar. It appears that as Dr. N. B. Khare was one of the very prominent anti-Gandhites and had gone to the extent of issuing all kinds of pamphlets against Mahatma Gandhi and was the Prime Minister in Alwar where Hindu Mahasabha movement and the R.S.S. was specially fostered and there were circumstances leading to the suspicion of the Alwar Raj as well as the Alwar Ministry being concerned in the murder of Mahatma Gandhi, an investigation was ordered to be conducted in that State and Mr. U. C. Malhotra who was a Superintendent of Police in Delhi, was appointed Chief Police Officer of that State. He was sent to Alwar by plane and his first case diary shows that in the same plane Mr. K. B. Lall, I.C.S., and the Home Minister of the State also flew to Alwar. The facts which are dealt with in this chapter are either those which have been extracted from the police diaries of Mr. Malhotra or what other police officers did at Alwar. In this chapter is also given a brief resume of the statements of Dr. N. B. Khare, Panna Lal Choube, and of Giridhar Sharma Siddh. The reports of the officers of the Directorate of Intelligence Bureau are also briefly given.

13.2 Ex. 96 dated February 7, 1948 to February 10, 1948, contains a case diary of Mr. U.C. Malhotra who was appointed Chief Police Officer of Alwar State. The case diary No. 2 dated February 8, 1948, contains the following information:

(1) A printed poster in Hindi a handwritten copy of which is Ex. 105, incited the public to murder Mahatma Gandhi; to cut him into pieces and throw his flesh to dogs and crows. This was an anonymous poster and it was not discernible as to where it was printed.

(2) One Nathuram Shukla from Nagpur had visited Alwar towards the end of December 1947 and he delivered speeches from Hindu Mahasabha platform. His description is given as being 5'-6" in height, wheat complexion, small moustaches, a good speaker in Hindi. This evidently does not fit in with Nathuram Godse's description.

(3) A foreigner disguised as a Sadhu came to Alwar and stayed with Giridhar Siddha, the secretary of the local Hindu Sabha. He had brought a letter containing a printed letter giving the news of assassination of Mahatma Gandhi. This news was out at 3 p.m. at Alwar whereas the assassination actually took place at 5 p.m. at Delhi.

13.3 Sweets were distributed; Prime Minister Khare had addressed meetings pouring upon Gandhiji the curse of a Brahmin. The Hindu Mahasabha and R.S.S. were encouraged by Dr. Khare by allowing persons like Prof. Ram Singh, V. G. Deshpande and Maulichandra Sharma as State Guests or personal guests with the Prime Minister.

13.4 One Rikhi Jaimuni Kaushik, an editor of a newspaper, produced a printed article which contained the following information:

(a) Anti-Gandhi Front party in Alwar distributed a pamphlet in which Hindus were requested to fast and pray for the death of Mahatma Gandhi.

(b) The R.S.S. at Alwar had distributed sweets and had picnics on Mahatma's assassination day.

(c) A few days before Mahatma Gandhi's assassination, Dr. Khare had said that he was Anti-Gandhi Front man.

(d) Pro-Hindu Sabha journalists were financially helped by Alwar Darbar.

13.5 In the case diary No. 3 of February 9, 1948, the allegation made that at a place called Bhojpuri the R.S.S. leaders had been training Godse, Madanlal and Wadse in shooting was not substantiated.

13.6 Ek. 138 dated February 3, 1948 by Inspector Balmokand relates to the arrest of two persons Pandit Girdhar Sharma Siddh and a sadhu who was his companion but his name was not known. Information received by the Inspector was that Siddh and his companion were keeping certain documents concerning the murder case either in the house of Siddh or in the office of the Hindu Sabha Alwar. Both these places were searched and certain documents were taken possession of which are set out in that exhibit. Siddh was arrested but the sadhu had left before the arrival of the Delhi Police for some unknown place. This gives no useful or relevant information.

Dr. N. B. Khare wit. 62

13.7 Dr. N. B. Khare, witness No. 62, stated that he was Premier of C.P. and Berar in 1937-38 and was Prime Minister of Alwar State from April 1947 to February 1948 when he was made to resign. He denied that there were anti-Gandhi feelings in Alwar town or in Alwar State, though there were disturbances in the State as in many other places in Northern India. He was in Delhi on January 30, 1948, and had no knowledge of the investigation by the Indian Police conducted in Alwar in connection with the bomb incident or the assassination of Mahatma Gandhi.

13.8 Annual function of the R.S.S. was held in Alwar before the assassination of Mahatma Gandhi and R.S.S. people did not require any permission to hold the meeting but as there was scarcity of food, he had to give facilities for the purpose. It was incorrect that Godse and Parchure interviewed him at Alwar before the murder. Probably, he was in Delhi at the time. He was expelled from the

Indian National Congress in October 1938. He has refuted what was said in the Harijan, at page 25 of the pamphlet, Ex. 99.

13.9 Before the Partition, the Muslims who were strong in Alwar revolted and wanted the Maharaja to accede to Pakistan but the rebellion was put down and he as Prime Minister took such action as was necessary. The Muslims were carrying on propaganda against the Raj by handbills, placards and public announcements by means of beating of drum and were shouting 'Pakistan Zindabad' and 'Quaid-e-Azam Zindabad'. They killed a cow and its blood was sprinkled on an idol. They also killed the *pujari* of the temple and his wife.

13.10 Dr. Khare joined the Hindu Mahasabha in 1949. He accepted full responsibility for a document Ex. 88 dated October 12, 1947 which is headed as "A Brahmin's Curse" which was a curse upon Gandhism and its author. It was incorrect that he had given facilities to R.S.S. people for training in arms. He had no knowledge that they were having rifle practice. It was incorrect that they got funds from the Maharaja or himself. He gave no State protection to the R.S.S. volunteers and he never encouraged R.S.S. movement in Alwar.

13.11 He denied the allegation made by Panna Lal Choube, witness No. 47. Parchure and Godse never came to Alwar during his term of office and he had no private meeting with them.

13.12 He was opposed to Gandhiji's politics but not to his person and he would not be a party to doing injury to him. Godse and Parchure never came to Alwar and they could not have asked him for a pistol from out of the museum. It was nonsense to say that the conspiracy was hatched in Alwar. He was not the real person behind the assassination of Mahatma Gandhi and it was a malignant lie to say that Godse was his tool. It was incorrect that he brought any secret papers from Alwar or that militant Hindu Sabha leaders were helped by him or they wanted to establish headquarters of the R.S.S. in Alwar.

13.13 He did write to the Home Minister, Mr. G. L. Nanda, to release G. V. Ketkar. His point was that the Government of India should not be vindictive.

13.14 In cross-examination he said that it might be wrong for him to say that there was no conspiracy because he does not know any law. What he really meant was that there was no big conspiracy with a political party at its back. When the Commission pointed out to him that the way he expressed himself showed that he had some knowledge of the facts leading to Mahatma's murder, he replied that he had used unfortunate language and that he had no knowledge of conspiracy or of any intention on the part of anyone to assassinate Mahatma Gandhi.

13.15 He knew Nathuram Godse only slightly because when he visited Poona as Member of the Viceroy's Council, Godse came to

call on him. He did not know that he was a leader of the Rashtra Dal but he did know that he was the editor of the paper Agran. He did not meet Parchure before 1952 but met him at Gwalior when he went there for election to Parliament. He knew Apte also slightly.

13.16 He never heard that Godse came to Alwar. He did not know of any pamphlet calling upon Hindus to fast and pray for Mahatma Gandhi's death. Nor was he aware of any sweets being distributed on the day of Mahatma's assassination. He said that he was an anti-Gandhi i.e., against his philosophy but not anti-Gandhi qua his person. He did not know if one of the ministers extended full facilities to the R.S.S. The head of the R.S.S., Golwalkar, did visit the State when he was the Prime Minister and he attended his meetings because he was a Nagpur man. He might have addressed the meetings also. He condemned Gandhism at the meetings and "Guruji" also did the same. When asked whether he had allowed the R.S.S. volunteers to be trained in 'the Samant Infantry', he said he had no recollection.

13.17 A sword was presented to him by Thakur Raghubir Singh which he presented to Golwalkar on his birthday as he had no use for a sword. That was because he was ridiculing the R.S.S. who held military parades but carried only *lathis* and he told them it was no use carrying *lathis*. They should carry swords. If the Maharaja gave any money out of his personal funds, he would not know.

13.18 He was congratulated by Savarkar for joining Hindu Mahasabha privately and not at a public meeting.

13.19 A meeting was held in Nagpur in 1938. Savarkar presided but he (Khare) was a mere spectator. He (Khare) joined the Hindu Mahasabha in 1949.

13.20 It was correct that he started All India Hindu National Front in Delhi in August 1947 over which Savarkar presided. It was a meeting of important people including some princes. The meeting was organised by Pt. Mauli Chander Sharma and himself but he could not be present at the meeting because of trouble in Alwar nor was the Maharaja present. He did not know anything about meeting of All India Anti-Gandhi Front held in Dadar in November 1947 under the presidency of Savarkar. It was possible that a resolution was passed at the meeting declaring Alwar to be a Hindu Raj. He had no connection with Hindu Mahasabha or as a matter of fact with any other organisation. He was being maligned by Praja Mandal people by saying that he was a R.S.S. supporter but he had sympathies with the Hindu Mahasabha even before 1949. He again said that he had no knowledge about the conspiracy to murder Mahatma Gandhi and he was shocked to hear about the assassination.

13.21 He wrote to Mr. Nanda and wanted an inquiry to be held as to why a Poona bomb case was withdrawn. He did it because his interest was *bona fide*.

13.22 It was not his policy to suppress the Muslims as such in Alwar but anybody who disturbed the peace or challenged the authority of the State had to be dealt with strongly. He did not know that a Muslim Chowkidar was killed in the garden where the R.S.S. were lodged and that led to rioting in Alwar. He did not know that a pamphlet was issued in Alwar that Gandhiji should be hacked into pieces and his flesh be thrown to dogs. If he had known, he would have taken steps against it. He had no knowledge of the leaflet 'Gandhi Murdabad', Ex. 105.

13.23 The Maharaja chose his ministers from political parties and one of the ministers was a member of the Hindu Mahasabha. After the bomb was thrown, it did not strike him that there would be an assassination of Mahatma Gandhi. He did not take any more interest in the incident.

13.24 Panna Lal Choubhe, witness No. 47, is now living at Mathura. He was an informer of the C.I.D. right up to 1952. He joined the Hindu Mahasabha at Alwar because he wanted to find out what they were doing. They, in collusion with the Prime Minister Dr. Khare, were preparing to have a communal riot. The R.S.S. were to hold a meeting in Alwar and they were lodged in a garden, the Muslim chowkidar of which was killed. There were communal riots in the town. The responsibility was of the Prime Minister.

13.25 Three months before the assassination, Hakim Rai called Parchure and Godse to Alwar. There was a private meeting at which he (Panna Lal) was present but he was a police informer at the time. Dr. Khare was also present and he said that he had been unfairly treated by Mahatma Gandhi and in his opinion Mahatma Gandhi was a danger for India and something should be done in regard to him. Dr. Khare was President of All India Hindu National Front Alwar, which was vituperative and against Mahatma Gandhi.

13.26 Godse and Parchure visited the arms museum in the Palace and they wanted to take away pistols from there. The Curator helped them in getting them an old Mauser pistol. It was taken but as it was useless, it was returned by Godse and Parchure.

13.27 At a private meeting, Dr. Khare told the Hindu Mahasabha leaders that they could pull down the mosques and whoever would do it in the shortest time would get the land under the mosque. There was looting of the Muslims for eight days.

13.28 He produced a pamphlet, Ex. 89, highly provocative against Muslims. There was an inquiry by the Government of India and several people were arrested including Panna Lal himself. Hindu Mahasabha people fled from there and hid themselves in the house of Professor Ram Singh in Delhi.

13.29 The conspiracy to assassinate was hatched at Alwar in which Dr. N. B. Khare took a prominent part. Dr. Parchure said that it was not in the interest of the country that the Mahatma should live and that Godse alone could assassinate Gandhi and

Godse said, "Don't bother, I shall do the whole thing." After that there was some private talk with Godse.

13.30 He was in Alwar when the Mahatma was assassinated and also when the bomb was thrown but he had no connection with the police in what was British India.

13.31 Investigation was by an Inspector of Police from Delhi. Excepting Parchure and Nathuram Godse, Panna Lal saw no one in Alwar. He had given his statement in writing to the Inspector General of Police. He added that he told the Inspector General of Police that there was an arms factory in Alwar. He told Mrs. Sucheta Kripalani also. He was with her in Wardha Jail. He repeated that the person at the back of the assassination was Dr. N. B. Khare and Godse was only a tool. As no Congress leader would take any notice of him, he could not talk earlier to them. He was a Congressman and a political sufferer.

13.32 In cross-examination he said that he was working for Alwar Police and was paid by them. He was passing off as a *pujari*. The office of the Hindu Mahasabha was at his house. Hakim Rai told him that Godse and Parchure were big leaders of the Hindu Mahasabha.

13.33 He did not think that Godse and Parchure would actually assassinate Mahatma Gandhi.

13.34 He did not inform anyone about Godse and Parchure except the police.

13.35 He had been to jail five times and was convicted for strikes, distribution of pamphlets etc.

13.36 Cross-examined by Mr. Chawla, he said he was a member of the executive committee of the Hindu Sabha in Alwar. He was its Secretary. Ram Chander Vyas was its President. He met Godse twice—once at the meeting which was for three hours and another time he met him in Delhi at the house of Professor Ram Singh about one and a half month before the assassination.

13.37 In his speech Ex. 88 on the occasion of Dussehra on October 3, 1938 Dr. Khare was asked to hoist a flag and he said that this was an open rebellion against Gandhism and he uttered a curse upon Gandhism and its author. He pointed out the failures of the various principles that the Congress and Mahatma Gandhi were propagating. He said that Congress organisation was dying in Sind, Punjab and the Frontier Province and also in Gujarat and Kathiawar. He ended the speech by saying, "So truth is dead, Hindu-Muslim unity is buried, Khaddar is gone and *Ahimsa* is murdered Long live Mahatma Gandhi". This document was published from Alwar on October 12, 1947.

13.38 Ex. 89 is a pictorial representation showing the Muslims trying to kill cows and some other provocative representations.

13.39 Ex. 90 is a Hindi document which gives the statement of Godse in court.

13.40 Ex. 99 dated September 9, 1938 is a pamphlet of about 32 pages. It contains his (Dr. Khare's) defence against the charges made against him when he was expelled from the Congress.

13.41 The Directorate of Intelligence Bureau in their affidavit dated November 25, 1967 have stated that they knew nothing about the activities of Choube, whether he was or was not a police informer.

13.42 The Inspector General of Police of Rajasthan has in reply to the questionnaire stated that there was nothing to show in the record that Panna Lal Choube was working as a police informer in Alwar State but sometimes used to get money from the Inspector General and later on actually from some other police officers. Panna Lal Choube was associating with Hindu Mahasabha but the police does not know that he was also associating with Raizada Hakim Rai.

13.43 The Commission is unable to accept the testimony of Choube. On his own showing he is a police informer and there is no reliable evidence that he had anything to do with the Hindu Mahasabha or he was so high up as to be allowed to be present when a matter like the murder of Mahatma Gandhi was discussed. It is incredible that Dr. Khare would do anything like encouraging murder in the presence of a person like Choube.

Giridhar Sharma Siddh Wit 77

13.44 Giridhar Sharma Siddh, witness No. 77, was a Municipal Commissioner and an Honorary Magistrate and as such knew Dr. Khare who was the Prime Minister of Alwar. He was Joint Secretary of the Hindu Mahasabha which was fairly strong in Alwar but it received no help from the State or from the Maharaja. He knew Hakim Rai but he is dead. He also knew Panna Lal who called himself a Brahmin but is really a *kalal* by caste. He was not a *pujari* of a temple but that of a Kotwali.

13.45 Nathu Ram Shukla came to Alwar on behalf of Hindu Mahasabha and stayed there for ten days with Sharma Siddh and he (Giridhar Sharma) was arrested because of that.

13.46 As far as he, Siddh, knew, no Marathas came to Alwar during those days. The Maharaja did not have a hand in the conspiracy to murder Mahatma Gandhi. He was suspected because a meeting of the Kshatriya Mahasabha was held in Delhi over which he presided and he made a speech in which he said that he was prepared to take all the Hindus who were displaced from Pakistan and his Government also gave help to the refugees in Alwar Camp because Hindu Sabha workers could not raise sufficient amount of funds from private persons to help the refugees. Dr. Khare was also helping in the matter of the refugees. And both of them the Maharaja and Dr. Khare visited the Hindu Sabha Relief Committee.

13.47 There was no anti-Gandhi movement but the movement was against Gandhism. It was incorrect that sweets were distributed after the murder.

13.48 He was arrested as a suspect in the Gandhi murder case. He has been a Hindu Sabha worker since 1943. He did not know if Dr. Khare helped the R.S.S. Rally in Alwar in 1947.

Mr. M. M. L. Hooja, Wit. 59

13.49 Mr. M. M. L. Hooja, witness No. 59, then Assistant Director of Intelligence Bureau, made a report Ex. 95, to the D.I.B. dated February 12, 1948. This document and the next one are attached as appendices D and D-1 to replies to questionnaire issued to the Intelligence Bureau. Therein he said that searches of R.S.S. organisers had not given any startling result nor did the searches in Bhojpuri or Rajgarh which was a strong centre of R.S.S.

13.50 Mr. Hooja concentrated his investigation on two points: (1) possible connection of the local people in the conspiracy to assassinate Mahatma Gandhi and (2) patronage and assistance by the State to the R.S.S. organisation.

13.51 There was considerable evidence of patronage and aid by the State to the R.S.S. Full facilities were provided for the training camp and rally organised in May-June 1947 of R.S.S. officers. This was given under the direct orders of the Prime Minister and the Home Minister apparently with the knowledge of the ruler. Both Prime Minister and the Home Minister took prominent part in R.S.S. activities and the Prime Minister was in constant touch with all local activities and extended fullest patronage.

13.52 The State gave military training to three branches of R.S.S. from November to the beginning of February. But the year is not given. It must have been from end of 1946 and beginning of 1947. The volunteers had come from all parts of the country but chiefly from U.P. and Delhi. The whole scheme was well organised. The R.S.S. volunteers were put up in the Old Pratap Paltan lines but they made their own food arrangements. The training of volunteers included physical training, bayonet exercises, drill and rifle exercises. They also did firing practice with muzzle-loaders. Some were given secret training in rifle and revolver practice. Part of the expenses were borne by the Home Minister either from the secret funds of the State or from the non-official subscriptions raised by him.

13.53 The Prime Minister's residence was searched and some documents connected with militant communal leaders and organisation were seized. The Secretary and P.A. of the Prime Minister said that he had taken some secret papers with him. Interrogation also revealed that the Prime Minister was in very close touch with the R.S.S. organisation. He wanted to establish the headquarters of R.S.S. in Alwar for a year. A number of prominent militant leaders of the Hindu Mahasabha visited him.

13.54 An ordnance factory had been set up in the State and production had started. The Commission would like to remark that Dr. Khare in his statement before the Commission has stated that this ordnance factory was a part of the military organisation and had been started with the permission of the Political Agent at Jaipur and also with the full knowledge and permission of Sardar Patel and then Member for Home and the States.

13.55 The investigation into the conspiracy leading to Mahatma Gandhi's assassination revealed that one Nathu Ram Shukla of Jabbalpur had come and stayed under State patronage and toured various parts of the State. It was suspected by people that he really was Nathuram Godse but this matter was being investigated.

13.56 Investigation was unfortunately hampered by the fact that the local police was unreliable and even the I.G.P. was a "staunch Rajput".

13.57 The Alwar State ordnance factory was visited and what was manufactured there has been shown under a separate heading.

13.58 Another report of Mr. M. M. L. Hooja dated February 23, 1948 restates that Nath Ram Shukla was suspected to be the same man as Nathuram Godse. This is Appendix D-1 and a part of Ex. 95.

13.59 With regard to R.S.S. activities he said that it received full facilities in connection with officers training camp. It was in the form of supply of petrol, furniture, accommodation, essential and controlled articles, electricity, etc. which were given under the orders of the Prime Minister and the Home Minister with the knowledge of the Ruler. Dr. Khare also attended the functions of the R.S.S. and its rallies at Rajgarh. Besides some Ministers and high officials, the Ruler also attended a R.S.S. function at Bansur 34 miles away from Alwar.

13.60 There was evidence that the expenses on ammunition, etc. used in training the volunteers was to be spent by the Home Ministry and there was evidence to show that the Ruler has given his tacit approval to the policy of his Ministers.

13.61 There is evidence that Dr. Khare indulged in anti-Mahatma and anti-Congress propaganda and actively supported the local Hindu Mahasabha and obtained monetary help for the Mahasabha leaders' visiting the State and helped Pandit Mouli Chander Sharma, Secretary of All-India Hindu Convention, and a militant Hindu Mahasabhaite. The Ruler also made large contributions to the leaders of the All India Hindu Mahasabha, the All-India Kshatriya Mahasabha and the communal press. Dr. Khare was, on January 4, 1948, paid Rs. 10,000 by the Ruler for secret donations and some other sums were also paid to some other Ministers. Among the leaders who visited the State were Dr. Moonje, V. G. Deshpande, Mouli Chandra Sharma, Ashutosh Lahiri, Raja Jagmanpur, Capt. Keshav Chandra. Some of the public meetings were addressed by

Dr. Khare and other Ministers addressed meetings of the Hindu Mahasabha where the Congress Government was criticised. They spoke against Mahatmaji and Pandit Nehru in strong terms.

13.62 The Ruler was determined to organise the Rajputs on sectarian lines.

13.63 An Aeronautical College was established in November 1947 with 6 aircrafts purchased from time to time. A letter which was seized shows that a request was made to the Ruler that he should raise the army and give full facilities for raising volunteers or conscripted militia formed of Hindu young men of the State, and to meet the increased demand of fire arms and ammunition. Factories should be established for the production of arms.

13.64 There is also evidence that on September 25, 1947 V. D. Savarkar had sent a cyclostyled letter criticising Pandit Nehru and the Congress Government for its failure to protect the Hindu minorities in Pakistan and in order to meet an Islamic attack, the State should have a mighty force of Hindus alone and if Congressite Ministers were unwilling to accept this indispensable programme, they should resign and hand over Government to Hindu Sangathanists and Sikhs.

13.65 The Commission would like to say here that Dr. Khare in his statement has said that there was a danger of an uprising by the Muslims and it was necessary in those circumstances to be alert and provide sufficient force to meet that danger. He went further and said that the Meos and the Muslim League had revolted against the Raj and wanted it to accede to Pakistan. This rebellion was to be put down and it was his duty as the Prime Minister of the State to see that order was preserved and he took such measures as in his opinion were necessary for the purpose. This was done after the Cabinet took a decision that the rebellion should be put down by the use of necessary force.

13.66 The evidence relating to Alwar brings out the following facts.

13.67 Soon after the murder police officers were sent to make an inquiry as to how far the Ruler of Alwar and his administrator were connected with the conspiracy to murder Mahatma Gandhi and the murderer of Mahatma Gandhi. The police officers who were sent from Delhi made a thorough inquiry and made their reports which have been set out above. Before the murder and even before the Partition, the Hindu Mahasabha and the R.S.S. activities had been quite prominent in Alwar State. Evidence shows that prominent Hindu Mahasabha leaders were helped with money and material to carry on their activities in the State. The R.S.S. and its organisers were also welcomed in the State. The R.S.S. volunteers were given training in military parades and there is some indication that they were trained in the use of arms also. At any rate, the State was trying to raise a force of volunteers or a militia to meet, according to Dr. N. B. Khare, the Meo menace and the menace of

the Muslim League which also was quite prominent and was trying to force the Maharaja to accede to Pakistan. And Dr. Khare has stated that as a Prime Minister it was his duty to suppress any anti-Raj movement whoever the sponsors of that movement, and his explanation is that all that was done was for the protection of the Raj. He said that Muslims were strong in Alwar. They revolted with a demand for accession by the Maharaja to Pakistan and that rebellion had to be put down. He has gone further and said that propaganda against the Raj was being carried on, placards were being distributed, public meetings were being held shouting 'Pakistan Zindabad', and a cow was killed and her blood sprinkled on Hindu idols.

13.68 The Commission appreciates the misgivings of the Government of India in regard to Alwar where all these activities were carried on which had a communal colour and an anti-Congress and anti-Praja Mandal leanings. Besides these, Dr. N. B. Khare himself had been rather intemperate in condemning Mahatma Gandhi, so much so that he resorted to the ancient cult of cursing and he did so against Mahatma Gandhi by issuing "A Brahmin's Curse" Ex. 88 dated October 12, 1947. But he has denied that any facilities were given to the R.S.S. for training in arms, or that he had got any funds from the Maharaja to be given to the R.S.S. or giving State protection to the R.S.S. volunteers or encouraging them. He was opposed to Gandhiji's politics and not his person. He denied any association of Godse or Parchure with Alwar. But police reports containing information no doubt collected after the murder have a different story to give.

13.69 The reports show that on the day of the murder of Mahatma Gandhi sweets were distributed and one Rikhi Jainmuni Kaushik, an editor of a newspaper, produced some information before the police officers showing an anti-Gandhi Front Party in Alwar and distribution of pamphlets in which Hindus were asked to fast and pray for Mahatma Gandhi's death. The R.S.S. at Alwar had distributed sweets and picnics had been arranged on Mahatma Gandhi's assassination day. Dr. Khare had said a few days before Mahatma Gandhi's murder that he was an anti-Gandhi Front man. Anti-Gandhi journalists were financially helped by Alwar Darbar.

13.70 Other documents show that on the Dussehra day on October 3, 1938, Dr. Khare hoisted a flag of open rebellion against Gandhi and uttered a curse upon him and on his philosophy.

13.71 Mr. Hooja in his report Ex. 95 stated that there was considerable evidence of patronage and aid by the State to the R.S.S. Camps and rallies were arranged in May-June 1947 and aid was given under the direct orders of the Prime Minister, and both the Prime Minister and the Home Minister took prominent part in the R.S.S. activities. Previously, military training had also been given and the R.S.S. volunteers were put up in the old regimental lines and arrangements made for their food. The report also shows that the expenses were borne by the Home Minister either from secret

State funds or from non-official subscriptions. A number of prominent militant leaders of the Hindu Mahasabha had visited the Prime Minister.

13.72 There was also evidence that an ordnance factory had been set up. But it appears that this was a part of the military organisation started with the permission of the Political Agent at Jaipur. There was also evidence that one Nathu Ram Shukla of Jabalpur had visited Alwar and that gave rise to a rumour that it was Nathuram Godse who had done so.

13.73 All this evidence put together shows that an atmosphere had been created in Alwar State which was anti-Congress and also anti-Gandhi. Whether the reason was as given by Dr. Khare that Hindus were being encouraged and the State was making all arrangements to meet a revolt or rebellion by the Meos and the Muslim League or whether it was a purely anti-Gandhi movement is not easy to decide. But it does appear that there was a genuine apprehension of revolt by Meos and Muslims. However, Dr. Khare's antecedents and his encouragement to the R.S.S. and to the militant Hindu Mahasabha leaders were indicative of conditions being produced which were conducive to strong anti-Gandhi activities including a kind of encouragement to those who thought that Mahatma Gandhi's removal will bring about a millennium of a Hindu Raj. But on this evidence the Commission cannot come to the conclusion that there was an active or tacit encouragement to people like Nathuram Godse to achieve the objective of their conspiracy to commit murder of Mahatma Gandhi. But there is no doubt that an atmosphere was being created which was anti-Gandhi even though it may not have been an encouragement to the persons who wanted to murder Mahatma Gandhi.

CHAPTER XIV

Gwalior

Index of Paragraphs

- 14.1 Gopi Krishan Katarey
- 14.7 Mr. B. B. S. Jetley

CHAPTER XIV

Gwalior Affairs

14.1 Mr. Gopi Krishan Katarey who claims to have been an active political worker in Gwalior for about 30 years stated in his affidavit, Ex. 91, that a month or two before the assassination of the Mahatma there was a leading article in a weekly which was the mouth piece of the Hindu Mahasabha that Mahatma Gandhi and Pandit Nehru should be murdered, and that the Hindu Mahasabha received full patronage of the Government of Gwalior. He also said that about a fortnight before the murder of Mahatma Gandhi a cheque of Rs. 65,000 was given to one of the accused in the Gandhi Murder Case to regroup goondas and purchase arms to launch a murderous attack on the Congress workers who were demanding responsible Government in Gwalior and that it was out of this fund that the pistol by which the assassin shot Gandhiji was purchased. When these matters came to light, Sardar Patel hushed them up because the Maharani of Gwalior "beseeched for forgiveness". He added that it was a tragedy that the real criminals who masterminded the murder were not tried.

14.2 This deponent then appeared as a witness before the Commission as witness No. 51. He said that he was a freedom fighter and was receiving a pension of Rs. 100-00 per month from the Madhya Pradesh Government in recognition of his services to the nation.

14.3 He said that he tried to get a copy of the editorial to which he had referred in his affidavit regarding incitement to murder Gandhiji and Pandit Nehru but he could not get it. He had read the article and had a clear recollection.

14.4 The cheque referred to by him was given to Dr. Parchure. The Maharaja thought that national movement was a danger which should be fought out. He, Katarey, had told Mr. Leela Dhar Joshi after he became the Premier of the State with regard to the cheque and he said that he would consult Sardar Patel before doing anything. Subsequently, he was told that as the Maharaja had acceded, no action was called for. The witness was externed for some time and after he returned he met a person who was anti-Congress and was doing anti-Congress propaganda. He had got Godse's statement published and he said that it was financed by Sardar Angre's son. His name was Gokhale and was from Poona.

14.5 He was cross-examined and he admitted that when the police officers came to Gwalior to investigate the offence of murder, he did not give any information to the police. He only talked to Mr. Leela Dhar Joshi.

12D.47 Her father's life was in danger because he was considered an anti-Muslim and threats used to come from that quarter.

12D.48 She added that her father was publicly accused for being responsible for the murder at a meeting by Jayaprakash Narayan. Maulana Azad was present at the meeting and he did not protest which was a great shock to her father.

12D.49 The statement of Madanlal was shown to her father in Delhi and portions of it were read out to him. She could not say if a copy of the statement of Madanlal was sent to her father in Ahmedabad or in Saurashtra. She could not say whether her father tried to find out anything about the bomb-throwing on his arrival in Delhi nor when the statement of Madanlal was brought to her father by Shankar. Her father never talked to her about matters of State. After his return from Gujarat police officials including Sanjevi came and talked to him about Madanlal's offence but she could not say what talk there was nor could she remember whether any police officers were sent to Bombay. Shankar used to be generally present when Sanjevi came to see her father. She herself never tried to find out anything about the offence committed by Madanlal. She could not remember if there was any talk between her father and Bala-saheb Kher after the murder about earlier information about danger to Mahatma Gandhi's life.

"Q. Do you remember if at any time Bala Sahib Kher mentioned it to your father that it was weighing on his mind that some information conveyed to him earlier was not taken much note of?

A. I can definitely say that nothing of that kind happened. Bala Sahib did not either blame himself for being negligent nor was any blame against my father. Bala Sahib I knew very well and at no stage did he ever blame himself for being negligent in the matter of handling of this information of danger to Mahatma's life."

12D.50 She did remember that a Jain was involved in the matter but she could not remember if Mr. Morarji Desai had mentioned to her father that Prof. Jain had given information about Madanlal's connection with persons who wanted to assassinate Mahatma Gandhi.

12D.51 She was then cross-examined by Mr. Kotwal. One of the reasons why Mahatma Gandhi fasted was to pacify inflamed communal feelings roused in Delhi and roundabout.

12D.52 If was correct, she said, that there were sections of people who wanted to see her father ousted from the Ministry and her father had written to Gandhiji to relieve him from office.

12D.53 In reply to a question by the Commission she said that there was a move by those against her father to oust her father from Ministry and he had written to Gandhiji that he should be relieved of his office. She characterised the allegation as absolutely false that

her father was not protecting Mahatma Gandhi because of his attempts to remove him from office. On the other hand she said that her father did not want to stay on in the Cabinet and had sent his resignation to Mahatma Gandhi. It is preposterous to think that her father would not protect Mahatma Gandhi whom he considered to be the greatest asset that India had. As a matter of fact Gandhiji opposed the presence of Policemen in Birla House in order to maintain the reputation of the State. The witness placed before the Commission a book by Mr. G. D. Birla named 'Kuchh Dekha Kuchh Sunaa' and drew the attention of the Commission to pages 57-58.

12D.54. Gandhiji made a speech (post prayer) which was published in the *Harijan* of January 25, 1948 where he said: "I wonder if with a knowledge of this background to my statement anybody would dare call my fast a condemnation of the policy of the Home Ministry. If there is any such person, I can only tell him that he would degrade and hurt himself, never the Sardar or me...."

12D.55 Her diary of the 24th February shows that there was a very great rift in the Cabinet and the Sardar conveyed to Gandhiji that both Maulana and Jawaharlal had decided to pull out without him and that he would help by remaining outside the Cabinet, and Maulana, when he heard this did not demur to this showing that they had both decided to remove him. This fact is corroborated by an entry dated 2nd March 1948 where it is stated that since about 3 months before Gandhiji's murder efforts were being made to drop Sardar out. Socialists and Maulana were in it. Gandhiji had said to the Sardar "You both are unable to cope with each other and there are no chances of it being so even in future. One of the two should be taken in. Looking to your popularity at present you should be raised." Sardar said: "No" and added "this was a useless talk. Jawaharlalji is younger than I. He enjoys an international fame and moreover these people are propagating that I am bent upon turning them out. Such a step will only confirm their propaganda." Muslims wanted to remove Randhawa and nobody was prepared to make any specific charge against him. The attempt at that time was to remove the Sardar and take in Jayaprakash.

12D.56 Payment of 55 crores pinched the Sardar very much. That amount was paid and Mahatma's murder was a result of that. Even Jawaharlal objected to paying of 55 crores and Sardar made a statement the next day following Jawaharlal's. The Sardar went to the Viceroy and asked him whether he had told Mahatma that non-payment was dishonourable, that he had let down the Cabinet. The Sardar showed all the papers to Mountbatten and he then apologised. Panditji said it was petty-fogging. The Sardar said that the amount should be paid but he would not stay in the Cabinet. Sardar said that he should be relieved and that even the Maulana did not want him. But after the death of the Mahatma, Jawaharlal wrote a nice letter to the Sardar saying "gone is gone, we should work together forgetting the past". The Sardar also reciprocated but Jayaprakash started attacking the Sardar in public meetings. Achyut declared at a public meeting that Sardar should be removed and Jayaprakash should be appointed in his place. Later Nehru

14.6 This evidence is not relevant to the inquiry as it does not fall within anyone of the terms of reference.

14.7 Mr. Jetley, D.I.G., witness 55, had investigated into the Gwalior matters. He had gone to Gwalior because it had gone round that the Maratha princes had something to do with the Maratha clique responsible for Gandhiji's murder. He said, "I went to Gwalior just to find out how things stood and all that I saw was that these princes had no hand in the assassination and no connection with the clique".

Mr. Rana, witness 3

14.8 Mr. Rana the D.I.G. (C.I.D.), Poona, witness No. 3, who was sent to inquire into the part of the princes in the tragedy, also has stated that the Princes of Gwalior, Alwar, and Bharatpur had no hand in the conspiracy to murder Mahatma Gandhi. The statement of Gopal Godse, witness No. 33, is the same.

14.9 The question before the Commission is not whether the Gwalior prince was or was not a party to the conspiracy to murder. The real question before the Commission is whether there was any pre-information in regard to the threat to the life of Mahatma and of the conspiracy which resulted in the murder of Mahatma. Gopi Krishan Katarey does not claim that he had this knowledge. All that he says is that in a Hindu Mahasabha weekly of Gwalior an incitement was given for the murder of Mahatma Gandhi and of Pandit Nehru, and that the Hindu Mahasabha received the patronage of the Gwalior Government and Rs. 65,000 was given to Dr. Parchure to regroup goondas for murderous assaults on those who had given an ultimatum to Gwalior Government for responsible Government. Assuming, though not deciding these statements to be true they are no proof of the fact that this witness had any pre-knowledge of the danger to Mahatma Gandhi's life or of the conspiracy. The newspaper that he had referred to has not been produced. Even the name has not been given. And then there is the evidence of Mr. Jetley and Mr. Rana, both high Police officers, that the Maratha princes had no hand in the assassination and no connection with the Maratha conspirators. In view of all this, the Commission thinks the evidence to be insufficient to prove anything relevant to the inquiry.

Vol. III

CHAPTER XV
Index of Paragraphs

- 15.1 Poona. Stronghold of the Hindu Mahasabha.
- 15.2 Documentary evidence about communal tension.
- 15.21 The Agrani or the Hindu Rashtra—Its tenor & tone.
- 15.25 Security from newspapers.
- 15.26 The Agrani—Security from.
- 15.33 Other groups.
- 15.34 Hindu Rashtra Dal.
- 15.41 Special Reports discontinued.
- 15.44 Jayaprakash Narayan's speeches.
- 15.45 Parchure's speech.
- 15.47 Ketkar's speech.
- 15.50 Gopal Godse's articles.
- 15.53 Reply to Jayaprakash Narayan's speech.
- 15.55 Poona conditions as revealed by documentary evidence.
- 15.58 Government not ignorant of Poona happenings.
- 15.62 Evidence of witnesses.
- 15.63 Statement of Mr. N. M. Kampte.
- 15.90 Statement of Mr. U. H. Rana.
- 15.146 Statement of Rao Sahib Gurtu.
- 15.161 Statement of D.S.P. Poona.
- 15.177 Statement of G. S. Chambal.
- 15.179 Statement of Dy. S.P. Deulkar.
- 15.187 Statement of Insp. G.P. Angarkar.
- 15.218 Statement of Mr. K. M. Munshi.
- 15.225 Statement of Mrs. Sarla Barve.
- 15.229 Statement of Gopal Godse.
- 15.247 Statement of Mr. R. K. Khadilkar.
- 15.257 S. R. Bhagwat.
- 15.265 Conclusions.

CHAPTER XV

Poona

15.1 As Poona has been described to be the stronghold of Hindu Mahasabha and as out of the eight accused tried for the conspiracy to murder Mahatma Gandhi the principal four accused belonged to Poona, and V. R. Karkare was their close associate and V. D. Savarkar was their mentor, the Commission thinks it necessary to deal at length with and analyse the evidence of the witnesses who have deposed about Poona and also to give a resume of the documents which relate to different movements and activities of political parties in Poona.

15.2 We might usefully begin with the documentary evidence produced in connection with the events and happenings in Poona. That the conditions in the Maharashtrian districts of Bombay Province particularly Poona and its neighbouring districts were not peaceful is shown by the following documents produced from Bombay Secretariat files.

15.3 As long back as December 1946 there was communal tension in parts of Poona District and therefore on December 2, 1946, the District Magistrate of Poona issued a prohibitory order under section 144 of the Criminal Procedure Code prohibiting manufacture, receipt, exhibition or transferring by sale or otherwise certain type of arms. This was extended from time to time till August 1947.

15.4 On 30th April, 1947 again a similar order was passed prohibiting the receipt, sale or transfer of similar kinds of arms within Poona Municipality and certain other suburban areas and villages.

15.5 Ex. 172 is an extract from the Bombay Province Weekly Letter, dated July 19, 1947 showing that the Maharashtra Provincial Varnashram Swarajya Sangh, Poona, had publicly honoured one V. N. whose real name was Daji Joshi, who had been convicted of the murder of Collector Jackson and had been released after serving out his sentence. This function was on July 6, 1947, where about 200 persons were present. Joshi was garlanded and offered a purse of Rs. 500 and a biography of Savarkar. G. V. Ketkar, V. B. Dawre, V. B. Gogte and others made speeches in his honour and Gogte referred to a statement of Dr. Keskar, ex-Secretary, A.I.C.C. that they (the people) would be required to handle arms in future and said that they would be forced to have recourse to arms to check the Nizam's designs on Maharashtra. This was reported to the Bombay Government and in the Secretariat there was the usual noting. Finally, Mr. B. G. Kher on July 31, 1947, wrote "H.D. should expect and be prepared for a terrorists' campaign in some districts'. It was upon this that there was a note by Mr. Dehejia and

a circular was issued to the District Magistrates on August 7, 1947. (Exs. 173 and 174).

15.6 It may be remarked that this meeting appears to be no different from similar felicitatory and appreciative meetings held in the case of released or convicted political assassins when tumultuous welcomes were, before 1947, given by the populace and nationalists of all hues. This meeting appears to have differed in only this respect that the laudation was initiated by the Hindu Mahasabha rather than the more radical and less communalistic section of political opinion which was wedded to non-violence indeed. But in the prevailing stormy atmosphere overcast with violence the matter was rightly taken notice of and precautions were justifiably ordered but the question of adequacy remains to be determined.

15.7 The note, Ex. 172, as appears to be the Secretariat practice, started with Mr. S. M. Dalal, Assistant Secretary, dated July 22, 1947, and nine days later reached the Premier through the Home Minister; and the Premier passed the following order:—

“H.D. should expect and be prepared for a terrorists’ campaign in some districts.”

Sd/—

B.G.K.

31/7

15.8 The matter came back to the Home Department and the Minister, Mr. Morarji Desai, rightly ordered that the matter be discussed with the Secretary. After discussion, the Secretary, Mr. V. T. Dehejia, on August 5, 1947, recorded the note, Ex. 173. This note pointedly referred to the danger and likelihood of a terrorists campaign being started and it emphasised the necessity of having a contented and efficient police force and how it should function for obtaining necessary information about the activities of communal and economic agitators like Communists, Forward Blockists, Socialists and Kisan Sabha workers. This shows that the Government was apprehensive of the outbreak of violence and wanted to gear up the whole administrative machinery to meet this menace.

15.9 Thereupon, on August 7, 1947, the circular, Ex. 174 was sent out marked “Terrorists’ Campaign/Precautions to meet”. In this document it was stated that there are indication of violent and terrorists methods being planned and resorted to by various parties and it was necessary to check them. For that purpose the instructions therein contained were—

- (1) Efficiency of the police force should be maintained at a very high level, its grievances looked into and closer contact kept between officers and men and steps taken to ensure that disaffection spreading in the force was brought to the notice of the higher officers.
- (2) It was essential that information about the activities of communalists and communal organisations as well as of

economic agitators like Communists, Forward Blockists, Socialists and Kisan Sabha workers was quickly obtained and Government kept continuously informed of their activities. For the purpose, contacts should be established and information received passed on to Government. No information should be considered too trivial to be reported and weekly confidential reports should in future cover not only major events but even minor indications of preparation of creating trouble should be included. It was also mentioned that propaganda of parties intending to create trouble could take many forms, e.g., small classes of study groups or lectures ostensibly for harmless purposes but really for party propaganda; ‘tamashas’ (shows) or ‘qawallies’ or singing parties ostensibly for entertainment but really for popularising party ideology—in short, many ostensible harmless activities might be resorted to with the sinister object of furthering party ideology. Local officers should therefore be on the lookout for any attempt to put across party propaganda through these media and to keep a careful watch for insidious propaganda.

- (3) Weekly reports of the Mamlatdars to District Magistrates which were likely to be colourless should report unusual and striking events noticed by them.

15.10 In June 1947, on information being received by Government that the Hindu Mahasabha proposed to observe July 3 as anti-Pakistan Day by organising ‘Prabhat Pheries’ (pre-dawn processions), hartals and meetings, a telegraphic circular was issued on June 30, 1947, Ex. 179, to all District Magistrates asking them to take steps—ban or regulate meetings and processions, if any trouble was apprehended. This was on the basis of a note of Mr. Dehejia, Ex. 174, of the same date (June 30, 1947) indicating that there was likelihood of trouble due to the intended observance of the anti-Pakistan Day on July 3, 1947, by the Hindu Mahasabha and the matter first went to Mr. Morarji Desai and then to Mr. B. G. Kher.

15.11 Again on October 3, 1947, there was another confidential note, Ex. 175, under the signature of Mr. B. G. Kher, stating that Hindu Mahasabha is importing Sikh refugees into the Province and getting them to make inflammatory speeches and the Collectors were therefore asked to register the arrival of refugees and stop their addressing meetings to create trouble. Reference was made particularly to Satara where refugees were imported to create trouble. On this, there was a circular, Ex. 176, dated 8th October 1947, giving directions in accordance with the previous document, Ex. 175, and there was an order that any action taken should be reported to Government immediately. Copies of this were sent to the D.S.Ps. and all the administrative heads of different Divisions and Districts. Mr. Morarji Desai has stated that this was done to register them so as to give them relief.

15.12 Thus we have three circulars based on three different notings in the Secretariat—(1) Ex. 179 on June 30, 1947; (2) Ex. 174 on August 7, 1947; and (3) Ex. 176 on October 8, 1947—all dealing with the Hindu Mahasabha's communal activities which were a common factor of these Secretariat notings and the orders passed thereon.

15.13 There is other documentary evidence concerning what was happening in Poona particularly.

15.14 The Bombay Provincial Weekly Letter, Ex. 155, of July 5, 1947, shows that there was a bomb explosion on June 26, 1947 in Poona city. The matter went up to the Premier, Mr. B. G. Kher, and on July 9, 1947, his remarks were, "Was not the editor of *Agrani* arrested? I would like to know progress." On what basis the *Agrani* was brought in is shown by the statement of Mr. Morarji Desai that there was some information indicative of the editor's connection with such subversive activities. Upon this the Home Department, Bombay, sent an express letter, dated July 12, 1947, to the District Magistrate, Poona, Ex. 156, asking for progress of the investigation. It enquired whether the editor of the *Agrani* was also arrested in connection therewith, adding that Government should be kept informed as to the investigation into the matter. After a fortnight or so of the letter, the District Magistrate, on July 29, sent his reply, Ex. 157, about the bomb explosion and enclosed therewith a report of the D.S.P., Poona, dated July 23, 1947, Ex. 157A, in which the details of the bomb explosion of June 26 were given which were to the effect that N. R. Athawle, Secretary of the Poona City Hindu Mahasabha was arrested in connection with the bomb explosion; that he had made a confessional statement under S. 164 Cr. P.C. to the effect that the bomb had been given to him by N. D. Apte of the *Agrani*; that he (Athawle) threw the bomb from the second storey of the library; that Athawle's house was searched but nothing incriminating was found; and that against Athawle and Apte information was laid under section 4 of the Explosives Substances Act (Exs. 157 and 157A) and "their trial was awaited".

15.15 The Commission is unhappy to note that in Poona as also in Ahmednagar and in many other cases in which Government wanted information or sent orders, there was considerable delay in execution. In this particular case, it did not require a fortnight to send the requisite information which must have been with the D.S.P. at the time. The letter of the Home Department was dated July 12, 1947; the District Magistrate wrote to the D.S.P. on the 17th and he in turn replied on the 23rd July and the District Magistrate's letter to Government is dated 29th July. Unless there were other matters of unusual importance requiring priority in consideration of which the Commission has not been apprised, this was undue delay in matters requiring a more prompt attention.

15.16 Ex. 158 which gives the Secretariat noting in regard to this bomb incident is an important document. On August 4, 1947, Mr. V. T. Dehejia noted that for the purposes of giving sanction under section 7 of the Explosives Substances Act, the District Magistrate should furnish necessary details. Upon this Mr. Morarji Desai

made a note saying that he had been informed that the confession had been retracted soon after it was made showing a greater awareness on the part of the Minister than his permanent Secretariat, and that without the confession there would be no proof left and he also asked for the papers. Mr. B. G. Kher thereupon wrote in his note that the matter should be more seriously treated and the D.S.P. should be told to investigate the case thoroughly. The note mentioned that the "*Agrani*" had boastfully said that it was a matter of honour that the Hindu Mahasabha should be accused of throwing a bomb. He also said that the Home Department was returning his security. The Premier added, "Is terrorism to be allowed to be openly encouraged? If not what action does H. D. intend to take? I would like to see Secretary, H.D." If nothing else, it shows that the Premier took a serious view of the terrorist activities and expected the Home Department to do the same but it is not indicated what he expected the Home Department sitting in Bombay to do. Unfortunately there is little evidence of Poona Police or local authorities taking a serious view of the bomb case. As a matter of fact, the D.S.P. as witness No. 38 has stated before the Commission that the bomb was not a serious matter as it was not thrown on anyone and it was intended to create a scare. It is a matter of surprise that an offence under sections 3 and 4 of the Explosives Substances Act with a punishment of seven years was treated by the D.S.P. as not serious and the injuries to a boy and damage to a car meant nothing to the head of the Poona District Police.

15.17 The next note dated August 13, 1947, is again by Mr. V. T. Dehejia saying "Discussed. Please ask the D.M. to report how the case stands at present". Thereupon communications Ex. 160, dated August 6, 1947 and then Ex. 159, dated August 13, 1947, were sent to the District Magistrate, Poona. An interim reply from the District Magistrate is dated August 28, 1947, Ex. 161. It is not shown on the record as to what happened in the Secretariat after this letter was received; but on September 3, 1947, the District Magistrate, Mr. S. G. Barve, gave sanction for the withdrawal of the case against Athawle and Apte under section 494, Cr. P.C. The public prosecutor was directed to put in the application for withdrawal which he did and the case was thus withdrawn.

15.18 It may here be remarked that even with the confessional statement of Athawle the case against Apte was no stronger as the confession of a co-accused is a very weak piece of evidence against a co-accused if it is any evidence at all. (See s. 30 of the Evidence Act.) All that such a statement could probably be used for was to furnish the police a strong base from which to direct their investigation to secure other admissible and stronger evidence if their ability and energy and willingness could procure it.

15.19 The Commission had before it the D.S.P. of Poona as witness No. 38 and is not very happy about his evidence. He stated that the *Agrani* or the *Hindu Rashtra* did not preach violence and he had no knowledge if the *Agrani* was stopped. It never came to his knowledge that either Apte or Nathuram Godse preached violence or indulged in any illegal activities. But there is nothing on

the record to show what energetic steps, if any, were taken to make a thorough investigation into the origin, possession and use or misuse of the bomb.

15.20 It appears that a copy of this order was sent to Government along with the relevant papers and after the usual noting by the Secretary, the Home Minister and the Premier was gone through, the Premier discussed the matter and Mr. Morarji Desai's order is "Discussed, file" 10.11. (1947). (Ex. 164). Thereafter the Home Department of Bombay Government, by a letter dated November 21, 1947, returned all the papers regarding this bomb explosion, to the District Magistrate. Thus ended the bomb episode in which a boy was injured and a car damaged right near the City Library. Athawle, a staunch Hindu Sabhaite, was arrested and confessed, the investigation could go no further. The Commission, however, cannot overlook the fact that the matter is very old now. No papers connected with this case are available from the record rooms because after some specified time they are destroyed. And although officers of the Commission were able to make a successful search in the Record Rooms of the Delhi Collectorate, they were unable to do so in Poona and Ahmednagar.

The Agrani or the Hindu Rashtra—Its tenor and tone.

15.21 The activities of and writings in the newspaper the *Agrani* regarding the arrest of Athawle and Apte in connection with the bomb explosion on June 26, 1947, are both important and reflective. On July 6, 1947, Ex. 152, the editorial, was rather aggressive in tone saying that it was gratifying to note that Government had started suspecting the Hindu Mahasabha of a bomb conspiracy; the connection of the Sabha with the actual war weapon was worthy of the high honour and that it was possible that Godse also might not escape the attention of the police; that the Congress Government was seeking to obstruct the Hindu Mahasabha organisation by these arrests and even the *Agrani* might be stopped; and that the Black-Day observance was the beginning for the fight of "Hinduistic" movement.

15.22 On July 8, 1947, Ex. 153, there was another editorial in the *Agrani*, the gist of which was that Apte must have an opportunity to seek justice; and it complained that Apte was produced before the Magistrate in a surreptitious manner, presumably for a remand. These comments translated into English were sent to various authorities including the District Magistrate, the District Superintendent of Police, Poona, and the Government of Bombay. Upon this, on July 12, 1947, Mr. Dehejia recorded:—

"Is Apte the editor of *Agrani*?" (Ex. 153).

15.23 Ex. 154, dated July 9, 1947 is a brief life sketch of N. D. Apte in the *Agrani* written by N. V. Godse. In that the Congress Government consisting of Hindus was blamed for trying to suppress the spirit of Hindu youth and it was added that Apte was ever eager to translate his ideas into action. He had taken out processions, and held demonstrations for the repeal of the Arms Act. Apte had

founded a Rifle Club at Ahmednagar but Government took away the rifles and about 2000 cartridges. Apte and 25 volunteers had gone to the dais of the meeting of Mr. Kriplani and demanded an apology from the organisers of the meeting for having broken up the meeting organised by the local Hindu Sabhaite at which Mr. Jamnadas Mehta was to speak and that because Congressmen had refused to apologise, the meeting arranged for Mr. Kripalani was broken up. It also said that Apte and others had been arrested under a provision of law under which ten years imprisonment could be given. Then there was an exhortation whether the society was going to allow "such fresh flowers willing to sacrifice their lives to be perished". "The motherland is broken into pieces, women were raped on the open road, everything was lost and the Khojas standing guards on the rapes of their own wives, the Congress High Command have begun to scowl at you. How long will you bear this?" Copies of this were forwarded to the Ministers as well as to the Secretary, Home Department, Bombay Government, Bombay.

15.24 This indeed was incitement to commit illegal acts.

Security from newspapers

15.25 Ex. 267 is a list of newspapers against whom action was taken by demanding security. These were the *Kal*, the *Agrani*, the *Kesari* and the *Maratha*. This document shows that in 1947 securities were demanded from these newspapers. Before this, security was demanded in 1946 from *Agrani* which was forfeited in 1947. The security of the *Maratha* was also forfeited. This action was taken because there were provocative articles in these newspapers which continued in spite of warnings having been given by the Press Advisory Committee. Fresh security was demanded from the *Agrani* for Rs. 5,000 and as it did not deposit any security it stopped publication from July 14, 1947 and restarted as the *Hindu Rashtra*. From the *Maratha* the security demanded was Rs. 20,000 and it was reduced to Rs. 10,000. From the *Kal* a security of Rs. 3,000 was demanded in 1946 and that was deposited. That newspaper was given a warning in 1947. On the 4th August, 1947, Provincial Press Advisory Committee had advised the return of these securities as a gesture of goodwill. This recommendation was accepted; on 14th August, 1947 a press note, Ex. 269, was issued and securities were returned. This matter is deposed to by Mr. Dehejia and by Mr. Morarji Desai. Mr. Dehejia said that the papers mentioned from Poona were mostly Hindu Mahasabha papers. He added that these newspapers criticised the pro-Muslim policy of Mahatma Gandhi but did not preach violence against the person of the Mahatma or against any other Congress leader. Had there been any such incitement, strong action would have been taken. Mr. Morarji Desai said that securities were returned to the newspapers as gesture of goodwill in order to celebrate ushering in of the Independence.

The Agrani—security from

15.26 Ex. 268 dated September 5, 1946 is the noting in the Home Department, Bombay, suggesting that maximum security of

Rs. 3,000 should be asked from the *Agrani* as it was the worst offending paper in the matter of fomenting feelings of hatred between Hindus and Muslims. With this note, Mr. Morarji Desai agreed but he cautioned that it was doubtful if the High Court would uphold the order.

15.27 Ex. 269 dated August 14, 1947 shows that on the occasion of Independence Day celebrations and as a gesture of goodwill towards the Press, the Government decided to cancel the orders of demanding or forfeiting securities in the case of newspapers which had closed down in consequence of such notices. The Bombay Provincial Press Advisory Committee also advised it and hoped that the Press would reciprocate. As a consequence of this the order of forfeiture was set aside and the security of the *Agrani* was returned. In spite of this, it does not appear that there was any reciprocation on the part of the *Hindu Rashtra* which took the place of the *Agrani*.

15.28 In two of the issues of the *Agrani* and the *Hindu Rashtra* there is a clear indication of incitement to violence. In Ex. 233-A the issue of the *Agrani* dated April 12, 1947, one of the captions is "Mahatma Gandhi, commit suicide" and epithets like "his cowardly philosophy", "his cowardly and worthless non-violence" were used towards him. He was also called Sokaji and it was said that he should commit suicide. If not, he should bid good-bye for ever to Indian politics.

15.29 In the same issue of the *Hindu Rashtra*, Ex. 233 of September 7, 1947, it was said, "And if anyone has really the urge for Akhand Hindustan (lit. undivided India) and if a feeling of sacrificing one's own life for its sake has been created, then do not strike at a wrong place! The flood of Indian bravery will in no time integrate the whole of India into one".

15.30 All this shows that the writings in the *Agrani* or the *Hindu Rashtra* were strongly anti-Gandhi but were so worded in Marathi which perhaps did not come within the purview of the Indian Penal Code, i.e., incitement to murder.

15.31 There were some speeches made which were also of an inflammatory and inciting nature. Dr. Parchure in his speech, Ex. 131, said that Gandhiji and Nehru will surely reap the fruits of their sins in a short time if the attitude assumed by them is continued.

15.32 At another meeting on the following day, i.e., December 3, 1947, Ex. 206, Mr. G. V. Ketkar presided and he said that they should consider Gandhism-cum-False Nationalism as their enemy No. 1. This speech by Mr. G. V. Ketkar also shows his attitude towards Mahatma Gandhi's philosophy though it need not be termed as being against Gandhiji himself.

Other Groups

15.33 The Commission will now briefly deal with other documents relating to the activities of the various groups and parties and individuals in Poona and separately discuss them because they particularise those activities.

Hindu Rashtra Dal

15.34 In 1942 an organisation known as the Hindu Rashtra Dal was formed with V. D. Savarkar as its President (Ex. 34 dated August 1, 1944) and its original organisers were Date, Gogte, N. D. Apte and N. V. Godse. The aims and object of the movement were the furtherance of Hindu Sabha activities. This document also shows that in May 1943 Apte and Godse organised its second annual training camp at which volunteers from various Maratha districts, Bombay City and Maratha Indian States such as Sangli, Miraj and Indore were present. It also shows that Savarkar was the Chief architect and force behind the Dal, almost its *Fuhrer*. He laid down the policy and exhorted its volunteers to show and give implicit allegiance to him as the sole director.

15.35 The aims and objects have been stated at another place but the importance of this document lies apart from showing the old association of Godse, Apte etc. in the staging of a demonstration of black flags before Gandhiji's meeting at Panchgani to protest against C.R. formula. In that demonstration, about 15 Dal volunteers led by N. D. Apte took part. It may be added that this demonstration is also proved by the evidence relating to Panchgani wherein rather an exaggerated and misleading picture was drawn by some witnesses

15.36 On May 22, 1947, Ex. 54, a document which deals with the Hindu Rashtra Dal was issued by Rao Sahib Gurtu, for D.I.G., C.I.D., Poona to all D.S.Ps. and District Magistrates. This document also has been discussed at another place and it is not necessary to do so again. Suffice it to say that the object of this document was to warn the district authorities against the attempts to revive and to revitalise the Dal. There was a meeting on July 3, 1947 in the Tilak Samarak Mandir (Ex. 112) under the auspices of the Poona City Hindu Sabha, where about 5,000 persons were present to observe the anti-Partition Day as a Black Day. Mr. L. B. Bhopatkar of Poona presided. The speakers included G. V. Ketkar and N. V. Godse besides other local leaders of the Hindu Sabha movement. Ketkar expressed his gratification at the success of the observance of the Black Day and Godse said that the time for action had arrived.

15.37 In the meanwhile refugees from West Punjab etc. had started arriving in various districts of Bombay Province and a circular, Ex. 176, dated October 8, 1947, was issued for the prevention of Sikh refugees from making speeches in regard to the atrocities in the Punjab and to register them on their arrival. This document has already been referred to.

15.38 On August 8, 1947, a letter, Ex. 113, was issued by the Government to the D.I.G., C.I.D., Poona and the Commissioner of Police,

Bombay asking for the list of officers and members of the R.S.S. and leaders of Hindu Mahasabha organisation and directing them to keep a strict watch on the operations of these two movements and send reports regarding that matter. This appears to be based on the note of Mr. B. G. Kher and Mr. M. R. Desai, Ex. 177, dated 7th August 1947. Pursuant thereto a list was prepared and sent on August 19, 1947, Ex. 114.

15.39 Likewise a similar list, Ex. 114A, was prepared about Ahmednagar which is a very important document. Amongst the Hindu Sabha workers at Poona there were N. V. Godse, N. D. Apte, the latter shown as potentially dangerous and a staunch Savarkarite organizer of the Hindu Rashtra Dal, the activities of the former were of a similar nature. Other members were G. V. Ketkar, also a staunch Savarkarite, editor of the *Maratha* and a trustee of the Kesari Marhatta Trust and described as the brain behind Hindu Sabha activities. Another member was N. R. Athawle shown as a co-worker of N. D. Apte potentially dangerous who was arrested under section 3 of the Explosives Substances Act. Another person was D. R. Badge who is shown as proprietor of *Hindu Shastra Bhandar* dealing in unlicensed weapons, a staunch Hindu Mahasabhaite and against whom there were two prosecutions under the Arms Act and was potentially dangerous. There is also another list of the Poona District Hindu Mahasabha leaders. That also includes N. V. Godse, N. D. Apte, G. V. Ketkar, N. R. Athawle and several other Maharshtrians.

15.40 Even at the expense of repetition it may be stated that this is a document which would show the close association of Apte, Godse, Badge and others with an active Savarkar Group which is really repetitive of what the documents relating to 1942 and 1944 showed. The association was thus old.

Special reports discontinued

15.41 The D.S.P. of Poona in his weekly report, Ex. 117, dated September 22, 1947, said that there was nothing particular to report about the R.S.S. or the Hindu Mahasabha.

15.42 Mr. Rana, D.I.G., C.I.D., by his letter, Ex. 120A, dated September 17, 1947, suggested that special reports regarding Hindu Mahasabha and R.S.S. were unnecessary as weekly reports were being submitted. On this letter, there was some noting in the Home Department and the suggestion of the Home Secretary was that the reporting was necessary. Thereupon, on September 23, 1947, letter, Ex. 120B, was sent saying that the reports were necessary. In his report dated September 30, 1947, the D.S.P., Poona, said that there was nothing special to report about the activities of the Hindu Mahasabha during the week; but he has given the activities of the R.S.S. They had a flag salutation, a march past and physical exercises. The report also stated that the Sangh stood for revenge against injustice and protection of Hindu religion and culture; that the Sangh was not after jobs but its objective was to resurrect the past Hindu glory. This was really a rehearsal for the meeting of the one lakh of volunteers which was to be held shortly after.

15.43 It appears that there was some reconsideration of the matter by the Cabinet and it was decided on September 30, 1947 (Ex. 113-C) that the special reports may be discontinued and they were discontinued by a letter of Government, Ex. 120 dated November 3, 1947. Thus the special reports which were asked for in regard to the activities of the R.S.S. and Hindu Mahasabha were thereby discontinued probably due to the fact that the ordinary weekly reports sent by the C.I.D., Poona and the Commissioner of Police of Bombay would be sufficient. But thereby the importance which the directive as to special reports gave to watching the activities of these organisations was considerably impaired. Mr. Morarji Desai qualified this by saying that the discontinuance was for "the present".

Jayaprakash Narayan's speeches

15.44 On November 26, 1947, a meeting was held in Kirkee Bazaar attended by about a thousand persons. It was addressed in Poona by Mr. Jayaprakash Narayan, the Socialist leader (Ex. 122). In this speech, Mr. Narayan wanted the arsenal and ammunition factory workers to know the then prevailing politics. He said that the Muslim League had achieved Pakistan at the cost of the poor Muslims and that the rich capitalist Mohammedans had run away to Pakistan. He exhorted others not to drive away the Muslims and thus create more enemies and that it was the rulers of Indian States, the rajas and maharajas, who were trying to create trouble amongst Hindu and Muslim labourers in order to strengthen their own position. Further that the Army personnel were citizens of the country and had a right to take part in politics. He described the evil of communalism which according to him was still prevailing in the Army which he deduced from rioting and killing which was being done by the Armed Forces. This is a matter upon which the Commission is not called upon to express its opinion but perhaps the Defence Forces would not relish this accusation against them.

Parchure's speech

15.45 There was a meeting in the Tilak Samarak Mandir, Poona on December 2, 1947 (Ex. 131). The chief speaker was Dr. D. S. Parchure of Gwalior who was convicted in the Gandhi Conspiracy Case but was acquitted on appeal. He was described as a second Savarkar and that so great was his influence that on every mosque in Gwalior flew the Bhagwa flag. In his speech Dr. Parchure, after referring to the state of affairs in Gwalior, advocated the use of force to achieve whatever they wanted. He also said that Gwalior Army was full of Muslims who were in a majority and that the State was increasing the Muslim elements and that Adviser Srinivasan had advised the ruler that Parchure and his followers "were like dogs". The trend of speech was anti-Congress and extremely anti-Muslim. He criticised Pandit Nehru's policy as regards Kashmir and pointed out the quiescence of Hindus in the face of Mohammedan aggressiveness. In the end he made a significant remark, the importance of which was perhaps not then appreciated, that *Gandhiji and Nehru would surely reap the fruits of their sins in a short time*. This speech was made in Hindi and because there was no Hindi shorthand reporter in the police, it could not be taken down *in verbatim* and was

reproduced from memory by the police reporters who were there. When the report of this went to Government they wanted a more authentic report of the speech but there could be nothing better because of the speech not being in Marathi.

15.46 On the reports submitted to the authorities there are some interesting notes showing that Parchure was a prominent Hindu Mahasabha leader in Gwalior, a fiery speaker using intemperate language. By Ex. 131A dated December 24, 1947, Mr. Rana, D.I.G., C.I.D., sent a report of the meeting to Bombay Government pointing out that the report of the speech was from mental notes and was not a verbatim report. It was also pointed out that Dr. Parchure was not on the list of persons whose speeches were to be reported in verbatim. On December 31, 1947 the D.S.P., Poona, wrote to the District Magistrate, Poona informing him about the report not being taken in verbatim and also that he would try to keep a watch on the activities of Dr. Parchure if he returned to Poona and necessary action taken to prohibit him from making speeches presumably in Poona. A copy evidently went to the A.D.I.G., C.I.D. also and his note is that the papers be filed.

Ketkar's speech

15.47 On December 3, 1947, there was a meeting presided over by G. V. Ketkar (Ex. 206). In this speech he described Gandhism as enemy No. 1 showing thereby that his attitude of mind was not very different from that of the other members of the Savarkar Group in regard to Gandhian philosophy. Of course, it does not mean that he was equally a votary of violence or protagonist of murder.

15.48 An abstract of intelligence (Ex. 121) dated December 27, 1947, shows that on December 18, the Poona Police raided the house of R. J. Deshmukh who had close contact with R. S. Khanolkar and recovered therefrom sten gun cartridges, rifle cartridges, revolver cartridges, bombs and hand-grenade shells and also a bottle containing arsenic tri-chloride. In connection with this find five persons were arrested and investigations made but the second para of this report states that the collection of arms and ammunition was to facilitate the people in the Hyderabad struggle which, it appears, was a handy cover for the collection of arms by this group of people to which Godse etc. belonged and was an easy facade to hide their real intentions and objectives.

15.49 On March 22, 1947 on the eve of New Year's Day (Hindu Calendar) an objectionable pamphlet, Ex. 265A, advocating terrorism of Savarkar type was distributed at the Railway Stations, Shivaji Nagar and Dehu but the police could not discover where they were printed and who distributed them.

Gopal Godse

15.50 Gopal Godse, witness No. 33, has published certain articles regarding the murder of Mahatma Gandhi. In Ex. 56 in the monthly journal, the *Painjan*, of August 1966, he said that it was difficult for the officials to think that a person who had failed once to assassinate

Gandhiji would not dare to make another attempt because of the arrest of one person and the likely arrest of others within a few days and a strong cordon of security men around Gandhiji. He has added that there was complacency shown by security police in carrying out investigation between January 20, and January 30, 1948. "The police miserably failed to derive any advantage from the statements, i.e., of Jain and Madanlal. If only they had shown keenness in investigation the tragedy would have been avoided." "In spite of all the precautions there are things such as a luck, chance or suitability of circumstances. A person gets an opportunity many a time just by luck."

15.51 Ex. 57, issue of that journal of September 1966, deals with the subject when the plot could have been hatched. The issue of November-December, 1966 of that journal is Ex. 55 under the heading "Gandhi Murder and Maulana Azad". Gopal Godse has said that Nathuram did not like the murder of Gandhiji and both he and Apte would have laid down their lives to prevent Partition and to protect the life of Gandhiji and he has blamed Maulana Azad for creating trouble between Sardar Patel and Pt. Nehru through, as it were, Gandhiji. He blamed Maulana Azad for being the author of the conditions which were laid down by Mahatma Gandhi for breaking his fast.

15.52 The Bombay Secret Abstract dated January 17, 1948, Ex. 214, relates to a meeting in Poona on January 6, 1948, where Mr. Y. Joshi, President of Hyderabad State Hindu Sabha urged upon the public opinion to support the struggle of the Hindus in Hyderabad State and requested the Government to fortify the borders and to provide arms and ammunition to the public to defend themselves. Mr. G. N. Kanitkar on the following day said that Hyderabad was not likely to accede to the Indian Union and the Government should provide arms to people living on the border areas.

Reply to Jayaprakash Narayan's speech

15.53 Ex. 71 is the report of the proceedings of the meeting of the Hindu Mahasabha at Shivaji Mandir held at 6-30 P.M. on November 28, 1947, where about 2,000 people were present and the speakers were V. B. Gogte and N. V. Godse and the subject on which speeches were made was "Hindu Nation and Jayaprakash Narayan". The speakers twitted Jayaprakash Narayan about his socialism and ridiculed his attack on the Hindu Mahasabha and the R.S.S. and accused the socialists of hypocrisy and also spoke about the atrocities of Muslims on Hindu women and accused the socialists of helping in the creation of Pakistan and the Partition of India and its consequences.

15.54. They also protested against handing over Kashmir to Sheikh Abdullah taking it away from a Hindu ruler. It was also said there that the R.S.S. and the Hindu Mahasabha were accused of conspiracy to murder Pt. Nehru. There was also a reference to Mahatma Gandhi.

15.55 The documentary evidence which has been briefly analysed and discussed above shows that Poona was in a state of agitation

scolded Jayaprakash in party meeting, but he did not want that to come in newspapers. The speech that the Sardar made at Lucknow was not liked by Hafiz-ul-Rahman which was misinterpreted in his newspaper. The Sardar said that Brajkrishan and Aruna were also in league in his removal and that Jayaprakash had started attacking him in Bombay and at Surat.

12D.57. On the following day i.e. 5th March Sardar had a heart attack. At 4 P.M. on that day he told Sushila Nayar that he had to go with Gandhiji who had gone alone.

12D.58 The diary shows that the Sardar was saying that he must die and go to Gandhiji.

12D.59 One of the causes of friction with Pandit Nehru was that Panditji was anxious to drop Justice Mahajan from the Diwanship of Kashmir but Sardar was not agreeable. This is what Jayaprakash Narayan told G. D. Birla, (entry of 26th February, 1948).

12D.60 Maniben's diary dated 25th January shows that the Sardar had a talk with Gandhiji, Pt. Nehru, Chetty, Mathai on the 13th January about 55 crores. Gandhiji's eyes were full of tears and his words were very harsh. After that "Sardar's heart was broken in the Cabinet and the talk...revealed that he had said: "Now I cannot continue in the Government'."

12D.61 The diary also shows that there was a meeting after the cremation on 31st January at 7.00 P.M. where the following were present: Rajaji, Panditji, Kher, Mehra, Bannerjee, Shankar Rao, Shankar, Jairamdas Daulatram. Balasaheb Kher talked to Mr. Morarji at Bombay and Raja Maharaj Singh talked to Pt. Nehru on the phone.

12D.62 On 2nd February, 1948 Sanjevi warned the Sardar that he should not go out for a walk in the mornings as there was danger to his life and that of Panditji.

12D.63 On 3rd February, 1948 a man came with his daughter who was employed in the telephone office and she gave a number in Alwar and repeated what she had heard on the telephone. Sanjevi was called and asked to inquire into the matter at Alwar.

E—The state of the Delhi Administration

12E.1 About the state of administration at the time Mr. Bannerjee said:

"Every week there used to be a conference which was attended by the Home Secretary, DIB of Delhi, the Chief Commissioner, the Deputy Commissioner of Delhi, senior Superintendents of Police, Delhi, and one or more senior magistrates or senior police officials. The matters connected with administration were discussed and decision taken as to what should be done. But in actual practice this also failed because such conferences could not be held regularly. It is really the break-down and the weakness of

the Administration and the want of proper cooperation between the police and the Administration which led to this laxity on the part of the individual officers and to the catastrophe. Immediately after this incident a new Inspector-General of Police was appointed. He was from the Frontier Police Mr. D. W. Mehra."

12E.2 Evidently the Home Secretary of the Central Government who has always been the recognised pivot of the administration concerning law and order and security was kept ignorant and there is nothing to show that the seriousness of the offence was indicated to him or he was kept or he kept himself informed of the progress of the investigation or what the Delhi Police were doing or what information was coming in to the Home Minister or his private secretariat.

12E.3 After 20 years of the occurrence when all the facts are known it is easy to be wise but perhaps if the Home Secretariat had been as meticulous after the bomb explosion as it was after the murder as stated by Mr. Bannerjee, police vigilance and police investigation might have been more intelligent and more fruitful than it was and might not have been sterile.

12E.4 It was unfortunate that after the bomb incident neither the District Magistrate who appears to be an alert and intrepid and able officer was brought into the investigation nor was the advice of Mr. R. N. Bannerjee sought. Even after the murder, on February 27, 1948 Mr. Bannerjee was complaining that he was not kept in touch with the progress of the investigation and this in spite of his later statement that after the murder the Secretariat took charge and there was meticulous control which must have been after the letter. But the Commission agrees with Mr. Bannerjee that after entrusting the investigation to the highest ranked police officer like the Director of Intelligence Bureau and Inspector General of Delhi the Government of India and the Minister of Home Affairs was not expected to scrutinise or direct investigation. It may be added that it is not their function nor are they trained for it. Commission agrees with the opinion of Mr. K. M. Munshi, one of the seniormost Advocates in India and an ex-Governor of U.P. and one time Home Minister of Bombay. In his deposition he said that if a Minister receiving any information of an offence or likelihood of the commission of an offence passes it on to the Inspector-General of Police he must be taken to have proceeded properly. He cannot order an arrest nor can he investigate himself nor direct how to investigate. He gave an instance of a report reaching him, where, he was Governor of U.P., of danger to the life of Prime Minister Nehru. He passed it on to the Inspector General through the Home Minister but the news turned out to be without any substance.

12E.5 Mr. R. N. Bannerjee, Secretary of the Home Ministry, stated that the R.S.S. as a body were not, in his opinion, responsible for the bomb throwing on Gandhiji or for his murder, nor did the conspirators act in their capacity as members of the R.S.S. but the activities of that association were so anti-social and objectionable that in his opinion Government was rather tardy in not dealing with that

organisation. After the 30th January, therefore, the Government felt guilty about not having taken any preventive or punitive action against the R.S.S. and it was banned soon after the post-funeral meeting of 31st January, 1948. As Mr. Bannerjee has put it, the decision about banning R.S.S. should have been kept secret but unfortunately it leaked out to the Press and before any action could be taken the top leaders of the R.S.S. went underground.

12E.6 Mr. Morarji Desai also said that danger to Mahatma Gandhi was from the R.S.S. and from the Hindu Mahasabha. He put the matter thus:

"I could not say who the exact persons were who would do harm to Mahatma Gandhi. But from the information I had I could say that they were likely to be either the refugees or the R.S.S. and Hindu Mahasabha, not necessarily from Poona. It was also possible that they could be Muslim fanatics and this class of people was dispersed all over the country and they were more in the North than in Bombay."

12E.7 Mr. Khadilkar, witness No. 97, stated that danger to the Mahatma was from the Rashtra Dal. According to Mr. V. Shankar, Sardar Patel also knew of the danger to Mahatma Gandhi from R.S.S.

12E.8 Mr. V. Shankar, witness No. 10, has stated:

"My impression is that there was information of the existence of a hostile camp in Poona which was then known as the Kesari school of thought against Gandhiji and Dr. Savarkar was said to be the inspirer of that school and as far as I know their activities were kept under watch by the Bombay Special Branch",

showing thereby that the Poona school was against Gandhiji and was a potential source of danger. According to Mr. J. N. Sahni, witness No. 95, there were two schools of thought in Delhi, one for banning communal organisations and the other was against it. Mr. B. B. S. Jetley, witness No. 55, when recalled on January 14, 1969 stated that there was a list of 600 to 700 cases against the R.S.S. in a couple of months after the Independence, the charge against them being of collecting arms, attacking villages and assaulting individuals, and he recommended that the R.S.S. should be banned. He actually went to see the C.I.D. Chief at Lucknow and also Mr. Govind Vallabh Pant who was then the Premier of U.P. and Mr. Lal Bahadur Shastri, who was the Home Minister, and recommended to them R.S.S. be banned. They agreed with him but said that they will have to consult Sardar Patel. This organisation was banned but after the murder. He also said that Sardar Patel called him (Jetley) and told him that it was difficult to ban R.S.S. because the Muslims were already against them and he did not want a section of the Hindus also to be against them.

12E.9 Dr. Sushila Nayar, witness No. 53, has given the reaction of Mahatma Gandhi regarding the R.S.S. thus. When she praised

before the Mahatma the work of R.S.S. volunteers at Wah, he said that she did not know them. They were like the Black shirts, like the Fascists and the Nazis.

12E.10 Mr. Pyarelal, witness No. 54, said that he felt that in the Delhi Police there was infiltration of anti-Gandhi feeling and of pro-R.S.S. elements, though this has been denied by practically all the official witnesses.

12E.11 Mr. Jayaprakash Narayan in his Press conference on February 3, 1948, at Delhi blamed the Government for not doing all that they could to protect Mahatma Gandhi and accused them of negligence. On February 6, 1948, Mr. Shyama Prasad Mukerjee condemned communalism which was reported in the 'Times of India' of 7th February (page 7). Mr. Jayaprakash Narayan again returning to the charge against the Government in his speech reported in 'The Times of India' of February 18, 1948, Ex. 242, said that if prominent Congress Ministers had not patronised and attended R.S.S. rallies and had warned the youth against joining the organisation, Mahatma Gandhi would not have been killed. He also said that it was wrong that he wanted a Cabinet portfolio and that he would have got it long ago if he wanted it. "Even after the bomb was thrown no strong action was taken but attempts were made to blanket the criminals by officials within the administration who sabotaged any effort that might have been made to unearth the conspiracy." The Commission has had no corroboration of this wholesale condemnation of the officials or any Minister patronising or attending R.S.S. rallies. In a speech reported in the *Bombay Chronicle* dated February 28, 1948, Ex. 243, Mr. Jayaprakash Narayan once again reverted to the charge of responsibility of the Government for not looking after Gandhiji's safety. He demanded the resignation of Dr. Shyama Prasad Mukerjee, Mr. Shanmukum Chetty, Sardar Baldev Singh and Mr. C. H. Bhabha, and demanded the bifurcation of the Home and Information and Broadcasting Ministries.

12E.12 Rajaji in his book "Gandhiji's Teachings and Philosophy" published by the Bhartiya Vidya Bhavan at pages 20-22 has stated as follows:—

"When on 30th January, 1948, Gandhiji was assassinated by Godse, Sardar Vallabhbhai Patel felt that the conspiracy to kill Gandhiji was due to Hindu anger against him on account of this advice of his to pay a huge sum of money to the Pakistan Government when it was organising and carrying out a wicked military campaign against us. Our folly in helping the enemy with fifty crores rupees at that juncture was thought to be inexcusable and the small militant anti-Gandhi Maharashtrian group felt this as a climax of Gandhiji's disservice to the nation and decided to put an end to this foolish saint whom the nation could not otherwise get rid of. So great was his influence and so foolishly did the people venerate and obey him that these conspirators thought, according to the Sardar, that there was no way out other than assassination."

This was the opinion of Sardar Patel showing that he was fully aware of the indignation that the giving of 55 crores to Pakistan had created in the minds of the people.

12E.13. In the speeches of Mr. Jayaprakash Narayan there was a strong condemnation of communal organisations the Hindu Mahasabha, the R.S.S. and the Moslem League and a demand for their being banned. He even accused the ministers of having given encouragement to the R.S.S. by attending their rallies. There is no evidence of Central Ministers having done so.

12E.14 Mr. R. N. Banerjee stated that after the funeral of Mahatma Gandhi at the informal meeting of the 31st January there was a feeling that the R.S.S. should have been banned earlier. Whether it should have been done or not was for the Cabinet to decide; but his own evidence shows that the R.S.S. as such was not responsible for the conspiracy or the murder. The banning of that communal organisation in that case would not have affected the conspirators or the course of events because they have not been proved to have been members of the R.S.S. nor has that organisation been shown to have had a hand in the murder. And even if it had been banned Godse, Apte and their group could not have been arrested as members of an illegal organisation.

12E.15 What the effect of earlier banning of the organisation would have been is difficult to say as evidence on the point is scanty and inconclusive. But if the police could not enforce the ban under S. 144 Cr. P.C. it is highly speculative if an effective check would have been possible by banning the organisation.

Mr. M. S. Randhawa, Witness 18

12E.16 Mr. Randhawa stated that from September 1947 to January 20, 1948 it never came to his knowledge that the life of Mahatma Gandhi was in danger. He took him to a village to open a Pan-chayat Ghar without taking any special precautions. The inference which he wanted the Commission to draw from this was that the District administration had no knowledge of the danger to the life of the Mahatma.

12E.17 He must have learnt, he said, of the throwing of the bomb on the 20th January but the inference which he drew was that it was a protest against Gandhiji's speeches rather than an attempt on his life and that is the impression which he continued to have right upto the murder.

12E.18 Mr. Randhawa referred to his letter of explanation, Ex. 140(7) dated 7th February, 1948 in which he explained the reason why he allowed Mehta Puran Chand, Advocate, to interview Madanlal. He there said, "I must mention a serious lapse on the part of Superintendent of Police, New Delhi that he did not keep me informed of the progress of investigation of this case and I did not receive a single report from him which could give me an indication that Madanlal accused was involved in a conspiracy to murder Mahatma Gandhi". A special report regarding the bomb incident was cyclostyled on the 26th January and a copy sent to his office on the 27th January. "I was under the impression that Madanlal had exploded a cracker or a bomb simply as a protest against Mahatma Gandhi's views and was not wanted in a conspiracy to murder case.....". His explanation was not accepted by the Home Ministry and was characterised as "obviously unsatisfactory".

12E.19 Mr. Randhawa deposed that he did not meet the Home Minister during the period 20th to 30th January, 1948 nor was a meeting of the Emergency Committee called. At any rate, he was not invited. He again reiterated that he did not know before the 30th that there was a conspiracy to murder Mahatma Gandhi. He was never informed by Sanjevi nor by Mehra nor did they inform him as to what statement Madanlal had made. He himself never made any inquiries regarding that statement because he had many things to attend to particularly the law and order situation in the city. He might, he said, have gone to the spot after the bomb was thrown as reported in *The Statesman* of the 21st January but he was quite positive that he was never told that it was an attempt on the life of the Mahatma. He said that the statements made in Ex.140(7) correctly represent his impression because the matters were fresh in his mind at that time. He added that he could not remember if he read the newspapers of the 21st January. The newspapers are apt to exaggerate and what is stated therein may or may not be correct.

12E.20 When asked what he would have done if he had known about the conspiracy, he said that he would have gone to the Home Minister and got a meeting of the Emergency Committee called to devise means for doing something appropriate. He was shown a copy of Ex.84, Special Report of the Superintendent of Police, but he said that he could not remember whether he read it or not, nor whether it did reach him at all.

12E.21 Mehra used to meet him during those days, but he never informed him as to what was being done in regard to the bomb-throwing case. He said that it was absolutely false that Amar Nath Bhatia met him every day and gave him the progress of the case.

12E.22 When further examined, he said, "If I had known about this attempt to murder, I would have gone to the Home Minister and had a special meeting called.....of the high level officials called to devise means of taking proper precautions".

12E.23 He added, "I would have stopped the prayer meetings whether Mahatma Gandhi liked it or not because his life was very important and I personally had a great respect for him as a leader". He added that he saved the life of Mr. M. A. Jinnah and other Muslim League leaders when they were attacked at the Imperial Hotel by Khaksars. It was probably in May, 1946. Further he said, "I would have controlled the people who were coming to the prayer meetings".

12E.24 During the fast of the Mahatma the refugees were making demonstrations against him and were even saying "MARTHA HAI TO MARNE DO". "I could not remember the slogan 'Madanlal Zindabad'".

12E.25 The situation at the time of the fast, etc. was very tense. The whole thing was in a flux. The refugees were very angry. A large number of refugees used to gather outside Birla House and shout slogans "GANDHI KO MARNE DO (Let Gandhi Die)". It

was partly due to the fact that he insisted on the payment of 50 crores and in spite of helping the refugees the Mahatma was giving help to the Muslim community.

12E.26 Mr. Randhwa was, therefore, under the impression that the bomb was a protest against his pro-Muslim or anti-refugee policy. It was suspected that the R.S.S. and the conservative extremist Hindus were at the back of this bomb incident and that it was a mode by which the refugees showed their resentment.

12E.27 He denied that the Delhi Administration or the Delhi police were sympathetic towards the R.S.S. As a matter of fact, it was under his orders that hundreds of members of the R.S.S. were arrested.

12E.28 In his first statement before this Commission he said that he received no reports from the C.I.D. or anybody else that Mahatma's life was in danger. He came to know of the bomb incident but he was never told that it was a part of a conspiracy nor how the investigation was going on.

12E.29 Mr. Mehra used to meet him quite often but never informed him about the developments in regard to the bomb case, nor who were the persons connected with the bomb explosion or who the conspirators were. He did not know till after the murder that some Marathas from Poona were involved in the conspiracy.

12E.30 Describing the state of affairs at the time, he said that the District Magistrate was a very busy person. He had many problems to tackle and he could not keep himself in touch with the detailed developments in important cases of crime in his charge.

12E.31 He was asked in regard to what the communist paper "People's Age" contained saying that Mahatma Gandhi was going to be murdered and that the Delhi police was infiltrated by R.S.S. people and that the Deputy Commissioner Randhawa was behind the movement and, therefore, they were not very keen on protecting the life of Mahatma Gandhi, his reply was "It is an utter lie. I do not mind calling it a damn lie". He said that he had too much respect for Mahatma Gandhi to be guilty of any such want of interest in his safety.

12E.32 He said it was correct that Mahatma Gandhi was opposed to the searching of people who attended his prayer meetings and that in his opinion the police could not have searched against his wishes. The most effective precaution, according to him, was that the prayer meeting should be stopped. Nothing else, in his opinion, would have been as effective. "I would like to add that if a person is determined to kill another man and is prepared to lose his own life, he can do it in spite of precautions". People in uniform, he said, would not have been effective. On the other hand, they would have been a hinderance.

12E.33 Mr. Randhawa was examined by Mr. Pathak. There also he said that nobody felt that Mahatma's life was in danger but a group of people were hostile to him. The Home Ministry did not

inform him of the danger to Mahatma Gandhi or of a conspiracy to kill Mahatma Gandhi. As such, no special security measures were taken as far as he could remember. He added that if he had known about the facts of the bomb throwing, he would have taken a number of measures including searching of all people who were attending his prayer meetings. He would have stopped people from attending the prayer meetings excepting those who were closely associated with the Mahatma. When asked whether proper step to be taken would have been to post such policemen at the gates of the Birla House as could identify the conspirators, his reply was: "Apart from the protective measures which I have narrated above I would have posted plain-clothes men, secretly armed, to protect Gandhiji and also taken all possible measures to arrest the suspect. In fact, the entire police machinery would have been set in action against the conspirators."

12E.34 Police Superintendent Amar Nath Bhatia, witness No. 17, when recalled on April 24, 1968, said that he was meeting the Deputy Commissioner every day. C.I.D. officials were also there and they told Mr. Randhawa what was happening in connection with the case. He was not aware whether Mr. Randhawa made any complaint against him to the Home Ministry that he was not keeping him (Mr. Randhwa) in touch with the investigation. But as stated above, Mr. Randhawa has denied any such information.

12E.35 The Commission would not expect the Deputy Commissioner and District Magistrate to keep in touch with every investigation which the police is conducting. Commission also realises that at the time of the fast and at the time the bomb was thrown, Delhi was in a turmoil. There were Hindu-Muslim riots. So much so, that even officers in-charge of law and order were constantly in danger as deposed to by Mr. Randhawa and as stated by Mr. Justice Khosla in his book "The Stern Reckoning". One I.C.S. officer from U.P., Mr. Mishra, and another army officer, also a Mishra, were shot dead by the rioters. Meos at that time had fully armed themselves and it was after a fierce interchange of firing that they capitulated and then they were put in the camp and went away to Pakistan although later they returned. Similarly, there was danger from Pandaras from Bulandshahar side who had also armed themselves and were stated to be marching on to Delhi. As a matter of fact, army had to be deployed to keep law and order in Delhi. Then there were the refugees who could not be said to be in a peaceful state of mind. They were agitating and in a state of turmoil and not exactly peaceful. Rightly or wrongly they considered that Mahatma Gandhi was responsible for their miseries. In those circumstances, the District Administration must have been under a great stress and it is quite possible that the District Magistrate may not have given that attention to the incident of bomb throwing at a prayer meeting of the Mahatma as he otherwise would have done. It is only one newspaper that gave out the information about a plot to kill Mahatma Gandhi. The other newspapers just gave factual news. Commission has no reason to doubt that Mr. Randhawa was not informed of what was happening in regard to the progress of the investigation into the bomb case. But even then one would have

expected that in view of the regard and affection which Mr. Randhawa, according to his own statement, had for the Mahatma and in view of the high position that he held in India and even in the international world, a little more attention should have been given in spite of all his multifarious duties. He could find out as to what the Police was doing in the investigation of the bomb case.

12E.36 Mr. Randhawa was in the witness box before the Commission and he gave the impression of being a very strong and determined officer and it would not be an exaggeration on his part when he said that had he known about danger to the Mahatma, he would have even stopped the prayer meetings and would have screened everybody going to the prayer meetings. Whether he would have succeeded in this or not, he appeared to the Commission to be quite capable of doing this.

F—Conditions at Birla House—What Precautions The Gandhi Ashramites Took

Brij Krishan Chandiwala, Witness 11

12F.1 Brij Krishan Chandiwala, witness No. 11, stated that the refugees were in angry mood. Once in Mahatma's face they called him names. On another occasion a procession came to Birla House shouting slogans that "Khoon Ka Badla Khoon Se Lenge" (We shall avenge bloodshed by bloodshed.) They were opposed to the payment of Rs. 55 crores to Pakistan. And many people were objecting to the recital of the Quran at the prayer meetings. Although conditions at Delhi became calm, the Maulanas complained to Mahatma Gandhi about their safety. When Gandhiji broke his fast, the people's minds and "hearts were not clean" and that is why "a hand-grenade burst with a great sound on the 20th January, 1948 after his finishing prayer and Gandhiji had a narrow escape. Arrests were made after this incident. About 2 or 3 persons were arrested. From that day we became very vigilant and took great care about Gandhiji. Three or four days later a police officer came to see me and informed that the incident of 20th was a conspiracy to murder Gandhiji and the names of 9 persons have come to our knowledge who were involved in it. . . . I thought that police will at once arrest those persons and there was no reason of fear left". Gandhiji's opinion also was that it was a conspiracy to kill him. Police were posted at the gates and whoever came to see him came through me by appointment. He added that he could not imagine that the police could be so careless that after knowing about the conspiracy Gandhiji would be murdered. He himself did not try to find out what arrangements were made by the police to arrest the conspirators because he knew that Sardar Patel was anxious about the safety of the Mahatma and that Government would do everything to protect the life of Mahatma Gandhi. "After we came to know that the police was looking into the matter, we did not do anything." He was also satisfied when the police officer told him that they had got 9 names involved in the case and they were confident that the measures taken by the Government would prevent any harm coming to Gandhiji and it was for that reason that they did not try to find out what action Government was taking.

12F.2 He also added that there were Congress volunteers also but it never struck them (Chandiwala and others) that anything serious will happen and that is why they did not warn the Congress volunteers. Besides, they were under the impression that nothing would happen after what had happened on the 20th of January.

12F.3 Ordinarily, they used to form a cordon round Gandhiji when he went to the prayer ground. But on the 30th it was late and Gandhiji started walking very fast, and although it is not so stated it means that there was no cordon on that day. They had stationed people on both sides of the passage through which Gandhiji was to pass and it was not, therefore, necessary to have people in front as well as at his back because nobody expected that a person would suddenly jump up from the crowd and fire in such a short time.

12F.4 They never suspected that any kind of outrage would be committed by Poona people. They were suspecting other persons. Although Mr. Chandiwala had come to know that Madanlal had thrown the bomb he never tried to find out who was at the back of the offence.

12F.5 Large crowd used to come to the prayer meeting. The police was outside the Birla House. It would have been difficult for anyone to find out about the presence of Nathuram Godse. There was always such a big crowd that it would have been difficult to find out about his presence. It could not have been an impossible task to catch hold of Nathuram Godse. He again added that he could never imagine that the police would be so careless as not to prevent Gandhiji being murdered.

12F.6 He added as has been said above that when the police told them about 9 persons who were involved in the bomb case and that they knew their names, he became quite satisfied and confident about the measures which the Government would take.

Vishwanath Shah, Witness 3

12F.7 Vishwanath Shah, witness No. 3 before Mr. Pathak, stated that an adverse atmosphere was created against Gandhiji. After returning from Noakhali he stayed at Birla House. "At first Brij Krishanji had directed our volunteers to look after the protection of Gandhiji at Birla House but afterwards he said, 'Now the protection would be managed by the police: the volunteers were no longer necessary'. Still some volunteers of the Seva Dal used to sit and be present at the time of the prayer." He also said that police in plain clothes used to be present at the prayer meeting.

Dr. Sushila Nayar, Witness 53

12F.8 Dr. Sushila Nayar, witness No. 53 stated that nobody in the Ashram could imagine that anybody would do harm to Mahatma Gandhi. They took the fatalistic attitude that as long as God wanted the Mahatma to serve the country, he will. But there was no deliberate lack of alertness or negligence on the part of the authorities. Before the bomb incident they never felt that Mahatma's life was in danger. But there were rumours that Mahatma's life may be in danger and that is why security men in plain clothes were stationed in Birla House and the plain clothes policemen had to hide themselves behind bushes to keep themselves out of Mahatma's sight.

conspiracy to murder in his capacity as Secretary to the Home Ministry because the Director of Intelligence Bureau who was also the Inspector General of Police in Delhi was in constant touch with him. The persons who were present at the meeting of the 31st January were: Pandit Nehru, Sardar Patel, Chief Minister of Bombay Mr. Kher, Mr. Rajagopalachari, and Sanjevi. Sanjevi read out the confessional statement of Madanlal and said that he had sent a copy of that statement through two Policemen to Bombay on 21st January but the two Policemen had returned after two or three days and complained that the Bombay Police had taken no notice of them and had asked them to return to Delhi. As the statement stands obviously the reference is to Madanlal's statement of the 20th January and not of the 24th because the officers were flown on 21st January. The statement contained the names and particulars of the conspirators, 2 or 3 places in Bombay and Madanlal had told the Police "PHIR AYEKA" from which Mr. Bannerjee understood that those persons would return to kill Mahatma Gandhi. It also transpired that Godse had reconnoitred the prayer ground at Birla House a day previous to the murder i.e. on 29th January.

12D.18 As far as Mr. Bannerjee could remember Sanjevi did not inform the Deputy Commissioner of Delhi. Mr. Bannerjee ascribed gross incompetence and lethargy to Mr. Sanjevi in not having informed him or to remind the Bombay Police as to what action was taken. Sanjevi admitted at the meeting that he did not remind the Bombay Police. Mr. Bannerjee did not ask Sardar Patel whether he had any prior knowledge of the conspiracy and the statement of Dr. Jain first came up after it appeared in the Press. He also deposed that it was the duty of the Bombay Police to have sent their men to Delhi and it was the duty of Mr. Sanjevi to have insisted on the Bombay Police sending their men to Delhi in order to trace the associates of Madanlal and to prevent the carrying out of the object of the conspiracy. According to him, there was a convention for the Police of the province to which the culprit belonged to send its men to the province where the offence was committed. This was an inter-provincial convention. According to this the Bombay Police itself should have moved in the matter and the Delhi Police should have taken a more active part. When the statement of Mr. Shanker that after the confessional statement of Madanlal both the Bombay Police and the Intelligence Bureau were hot on the trail of the persons mentioned therein but they evaded their watch, was put to Mr. Bannerjee, he replied that he agreed that the Police did not get any concrete and tangible evidence until they got the confessional statement but he did not agree with the remaining part of Mr. Shankar's statement because the enquiries he had made after the meeting led to a different conclusion. Further, at the meeting everybody was disgusted with the Police inaction and Mr. Bannerjee described his own knowledge in an article in a book called "The Civil Servant in India" by Mr. K. L. Panjabi where he said the following:—

"All the same a great deal of temporary disintegration occurred in Secretariat administration. In the Delhi province (which never had a proper wholtime Inspector General of Police ever since its creation in 1912) the police force got

ill-organised and weak; and minimum liaison between the Chief Commissioner and the Home Department on the one hand and the district administration on the other could hardly be maintained. Mahatma Gandhi's assassination on the 30th January 1948 was partly a by-product of this confused state of affairs. After the cremation there was a meeting at Sardar Patel's residence in the evening of the 31st and it was disclosed for the first time that by the early morning of the 21st January the Delhi Police had in their possession statement made by Madanlal (who detonated a hand-grenade at Mahatma Gandhi's prayer meeting at Birla House on the 20th evening and who made a confession to the police overnight) in which the full history of the conspiracy was set out. The Delhi police did function in one respect, namely, that they sent Madanlal's statement to the Bombay Police by the 21st January evening but the papers lay with the Bombay police. Both Godse and Apte could have been found and nabbed in one of their two Bombay haunts on the 23rd. Unfortunately nobody took any action on this statement of Madanlal and the Delhi police did not even remind the Bombay police. The Delhi magistracy and the Home Secretariat remained ignorant of the statement (as the head of the Delhi police never kept them informed) till the world was staggered by the 'Hay Ram' shot on the 30th evening. All these matters are however still too 'contemporary', and their details must be left to the future historian."

12D.19 Mr. Bannerjee was examined before this Commission on May 11, 1967. He stated that as far as he could remember no newspaper had stated that there was a conspiracy "behind the bomb explosion" and the public came to know about it after the 30th January. Had he known that this bomb-thrown was the result of a conspiracy, he would have taken up the matter himself and would have asked the Police as to what it was doing. Mr. Bannerjee again gave an account of what happened at the meeting on the 31st January 1948 where the confessional statement of Madanlal was mentioned for the first time and the people present at the meeting came to know about it only then. If the Police had been vigilant it should have been possible for them to arrest the persons mentioned in the confessional statement. Nathuram Godse and Apte were in Delhi and were reconnoitring Birla House and the places round about it on the 29th January. Mr. Bannerjee again repeated his statement about the convention of inter-provincial assistance by the Police. He said that they knew nothing of the conspiracy and Mr. Sanjevi never gave them any information. When Sanjevi was asked why he had not done so, he said he was sorry, and the witness again repeated the incompetency and lethargy of Mr. Sanjevi in that he did not inform him (Mr. Bannerjee), he did not order the Bombay Police to send their men to Delhi and did not remind the Bombay Police in regard to the information which had been sent to them. He squarely placed the blame on the Bombay Police and Mr. Sanjevi for allowing the conspiracy to fructify. The first statement of Madanlal recorded on the 20th was put to the witness and his reply was that he could not